

J. Knox Corbett, to be postmaster at Tucson, in the county of Pima and Territory of Arizona.

Edward Hirsch, to be postmaster at Salem, in the county of Marion and State of Oregon.

Robert T. Bartley, to be postmaster at Ladonia, in the county of Fannin and State of Texas.

Gordon R. Badgerow, to be postmaster at Sioux City, in the county of Woodbury and State of Iowa.

John Q. Saint, to be postmaster at Marshalltown, in the county of Marshall and State of Iowa.

Thomas J. Coalter, to be postmaster at Flagstaff, in the county of Coconino and Territory of Arizona.

Jonathan McGrath, to be postmaster at Woodward, in the county of Woodward and Territory of Oklahoma.

Homer N. Boyle, to be postmaster at McGregor, in the county of Clayton and State of Iowa.

Winthrop A. Hayes, to be postmaster at Rochester, in the county of Oakland and State of Michigan.

Marion A. Humphreys, to be postmaster at Salisbury, in the county of Wicomico and State of Maryland.

John L. Clark, to be postmaster at Kenton, in the county of Hardin and State of Ohio.

Moses C. McMurry, to be postmaster at Saybrook, in the county of McLean and State of Illinois.

Sylvanus S. Thompson, to be postmaster at Marseilles, in the county of LaSalle and State of Illinois.

Mark L. Harper, to be postmaster at Eureka, in the county of Woodford and State of Illinois.

Elbridge Nash, to be postmaster at South Weymouth, in the county of Norfolk and State of Massachusetts.

Byron Truell, to be postmaster at Lawrence, in the county of Essex and State of Massachusetts.

John A. Thayer, to be postmaster at Attleboro, in the county of Bristol and State of Massachusetts.

Catharine A. Endsley, to be postmaster at Somerset, in the county of Somerset and State of Pennsylvania.

William M. Powell, to be postmaster at Hazleton, in the county of Luzerne and State of Pennsylvania.

Louis C. Hyde, to be postmaster at Springfield, in the county of Hampden and State of Massachusetts.

William W. Scott, to be postmaster at Canal Dover, in the county of Tuscarawas and State of Ohio.

Wilbert C. Davis, to be postmaster at Wapakoneta, in the county of Auglaize and State of Ohio.

Robert V. Jones, to be postmaster at Sidney, in the county of Shelby and State of Ohio.

Charles T. La Cost, to be postmaster at Bryan, in the county of Williams and State of Ohio.

William H. Frater, to be postmaster at Upper Sandusky, in the county of Wyandot and State of Ohio.

Robert F. Dent, to be postmaster at New Comerstown, in the county of Tuscarawas and State of Ohio.

John Vogt, to be postmaster at Deshler, in the county of Henry and State of Ohio.

Charles J. Thompson, to be postmaster at Defiance, in the county of Defiance and State of Ohio.

Edmund L. Vale, to be postmaster at Columbus Grove, in the county of Putnam and State of Ohio.

James B. Fisher, to be postmaster at Marion, in the county of Marion and State of Ohio.

Henry S. Enck, to be postmaster at Leipsic, in the county of Putnam and State of Ohio.

Alonzo L. Jones, to be postmaster at Greenville, in the county of Darke and State of Ohio.

James H. Fluhart, to be postmaster at Continental, in the county of Putnam and State of Ohio.

Reuel W. Norton, to be postmaster at Kennebunk Port, in the county of York and State of Maine.

Eliza B. Lockwood, to be postmaster at Bedford, in the county of Cuyahoga and State of Ohio.

Charles H. Whitaker, to be postmaster at North Conway, in the county of Carroll and State of New Hampshire.

Oliver H. P. Green, to be postmaster at Orion, in the county of Oakland and State of Michigan.

Harry W. Hawkins, to be postmaster at Sycamore, in the county of Wyandot and State of Ohio.

Nellie M. Thiriot, to be postmaster at Park City, in the county of Summit and State of Utah.

Horace H. Dubendorff, to be postmaster at Alamosa, in the county of Conejos and State of Colorado.

Kenneth E. Struble, to be postmaster at Shepherd, in the county of Isabella and State of Michigan.

Jesse H. Roberts, to be postmaster at Downingtown, in the county of Chester and State of Pennsylvania.

James M. Worrall, to be postmaster at Kennett Square, in the county of Chester and State of Pennsylvania.

Thomas H. Davis, to be postmaster at Ogden, in the county of Weber and State of Utah.

Harry G. Smith, to be postmaster at West Chester, in the county of Chester and State of Pennsylvania.

Samuel Keat, to be postmaster at Pen Argyl, in the county of Northampton and State of Pennsylvania.

Richard M. Hunt, to be postmaster at Houtzdale, in the county of Clearfield and State of Pennsylvania.

Harry D. Patch, to be postmaster at Wilmerding, in the county of Allegheny and State of Pennsylvania.

John Scher, jr., to be postmaster at Dushore, in the county of Sullivan and State of Pennsylvania.

Edgar J. Graff, to be postmaster at Blairsville, in the county of Indiana and State of Pennsylvania.

Simon Frankle, to be postmaster at Chicora, in the county of Butler and State of Pennsylvania.

William W. Henderson, to be postmaster at Brookville, in the county of Jefferson and State of Pennsylvania.

James D. Ames, to be postmaster at Hawley, in the county of Wayne and State of Pennsylvania.

George W. Wright, to be postmaster at Elizabeth, in the county of Allegheny and State of Pennsylvania.

Samuel J. Matthews, to be postmaster at Olyphant, in the county of Lackawanna and State of Pennsylvania.

Alfred Turtle, to be postmaster at Crafton, in the county of Allegheny and State of Pennsylvania.

John J. Benz, to be postmaster at Parsons in the State of Kansas.

Samuel M. Johnson, to be postmaster at Carson, in the county of Pottawattamie and State of Iowa.

Henry J. Jones, to be postmaster at Elko, in the county of Elko and State of Nevada.

James M. Vernon, to be postmaster at Everett, in the county of Snohomish and State of Washington.

IMPORT DUTIES IN ZANZIBAR.

The injunction of secrecy was removed by the Senate from the following treaty June 30, 1902:

A treaty with Great Britain concerning the establishment of import duties in Zanzibar, signed at Washington May 31, 1902.

HOUSE OF REPRESENTATIVES.

MONDAY, June 30, 1902.

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 10824. An act granting an increase of pension to George E. Bump;

H. R. 8644. An act granting a pension to John W. Thomas;

H. R. 6501. An act to provide for the sale of the unsold portion of the Umatilla Indian Reservation;

H. R. 10775. An act for the relief of Charles E. Sapp;

H. R. 12026. An act granting an increase of pension to Baley W. Small;

H. R. 11273. An act to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, \$430.42 for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C.;

H. R. 2487. An act granting an increase of pension to William S. Hosack; and

H. R. 15003. An act to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at a point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township.

EMPLOYMENT, DUTIES, AND COMPENSATION OF EMPLOYEES OF THE HOUSE.

Mr. JOY. Mr. Speaker, I desire to present a privileged report from the Committee on Accounts.

The SPEAKER. The report will be read by its title.

The Clerk read as follows:

Statements of the Clerk, Doorkeeper, Sergeant-at-Arms, and Postmaster of the House, and the Superintendent of the Capitol Buildings and Grounds, submitted to the Committee on Accounts, pursuant to the provisions of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, approved March 3, 1901, and letters of the Committee on Accounts to said officers relative to the employment, duties, and compensation of employees of the House.

The SPEAKER. The Chair understands this report is required by the law.

Mr. JOY. I ask that it be printed as a House document.

Mr. BARTLETT. Mr. Speaker, I have simply to say that this report is made in compliance with the resolution of the House passed last session of Congress, and in view of the fact of the committee being unable to get a quorum lately, and in view of the further fact of the continued illness of our chairman, we have not been able to make any fuller report. We hope, however, to make it complete and full at the next session of Congress.

The SPEAKER. This will be printed as a House document.

CONFERENCE REPORTS AND STATEMENTS.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the rule lately adopted requiring that a conference report and statement be printed in the RECORD the day before it is acted upon be suspended during the remainder of the session.

The SPEAKER. The gentleman from New York asks unanimous consent that what is known as the Hepburn rule, requiring the printing of conference reports and statements in the RECORD before being acted upon, be suspended during the remainder of the session.

Mr. RICHARDSON of Tennessee. Reserving the right to object, I make a parliamentary inquiry. As I understand, that rule would not be operative in the last six days of the session.

Mr. PAYNE. The rule so provides.

The SPEAKER. That is the understanding of the Chair. The rule, as the Chair recollects, is suspended during the last six days of the session.

Mr. RICHARDSON of Tennessee. Then if the day was fixed for adjournment, it would not apply.

The SPEAKER. Neither the Chair nor the House can tell until the resolution of adjournment is passed.

Mr. RICHARDSON of Tennessee. I shall object to this request.

The SPEAKER. The gentleman from Tennessee objects.

PRIVATE CORPORATIONS IN ALASKA.

The SPEAKER. The Clerk will read the unfinished business. The Clerk read as follows:

The bill (S. 6139) to provide for the organization of private corporations in the district of Alaska.

Mr. WARNER. Mr. Speaker, I send to the desk an amendment which I offer to the bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to say that I reserved a point of order if the bill requires consideration in the Committee of the Whole. With that statement, I have no objection to the amendment being read.

The Clerk read the amendment, as follows:

Amend S. 6139 as follows: Strike out all after the enacting clause and insert: That section 54 of chapter 5 of title 2 of an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, be, and is hereby, amended so as to read as follows:

"SEC. 54. All the forms of pleading heretofore existing in actions at law and suits in equity are abolished, and hereafter the forms of pleading in causes in law and equity in courts of record and the rules by which the sufficiency of such pleadings is to be determined shall be those prescribed by this code."

"SEC. 2. That section 469 of chapter 45 of title 2 be amended so as to read as follows:

"SEC. 469. In an action for the dissolution of the marriage contract the plaintiff therein must be an inhabitant of the district at the commencement of the action and for one year prior thereto, which residence shall be sufficient to give the court jurisdiction without regard to the place where the marriage was solemnized or the cause of action arose."

"SEC. 3. That section 201 of chapter 21 of title 2 be amended so as to read as follows:

"SEC. 201. The council shall have the following powers:

"First. To provide suitable rules governing their own body and to elect one of their members president, who shall be ex officio mayor.

"Second. To appoint, and at their pleasure remove, a clerk, treasurer, assessor, municipal attorney, police, and such other officers as they deem necessary.

"Third. To make rules for all municipal elections, for the appointment of election officials, and to provide for their duties and powers, and to provide suitable penalties for violation of such election rules: *Provided*, That no officer shall be elected for a longer term than one year.

"Fourth. By ordinance to provide for necessary street improvements, sidewalks, cross walks, and sewerage. The cost of all or any part of such improvements may be collected by assessment and levy against abutting property, which assessment shall be a lien upon all such property assessed: *Provided*, That a majority of such property holders consent, by petition or otherwise, to such improvements.

"Fifth. By ordinance to provide for fire protection, water supply, lights, wharfage, maintenance of public schools, protection of public health, police protection, and the expenses of assessment and collection of taxes.

"Sixth. By ordinance to provide for the assessment and collection of a poll tax on all male residents between the ages of 21 and 60 years, and to impose a fine and penalty for refusal, neglect, or failure to pay such tax: *Provided*, That all members in good standing of any regular organized volunteer fire company may be exempt.

"Seventh. By ordinance to provide for taxing of dogs, and to provide for impounding and destroying all dogs upon which such tax is not paid.

"Eighth. By ordinance to provide for the assessment and levy of a general tax on real property, possessory rights, and improvements, and to impose a penalty for its nonpayment; and all such taxes shall be a preferred lien upon the property so taxed, which lien may be foreclosed and the property sold as provided by chapter 42, Civil Code of Procedure: *Provided*, That the council may exempt from taxation all public property belonging to the municipality and all church property used exclusively for public religious worship.

"Ninth. By ordinance to provide for the assessment and levy of a tax on personal property and a penalty for its nonpayment, and to provide for the distraint and sale of sufficient goods and chattels belonging to the person charged with such tax to satisfy the same: *Provided*, That there shall be exempt from such assessment to each householder or head of a family household goods, of which such person is the bona fide owner, not exceeding \$200 in value.

"Tenth. By ordinance to impose such license tax on business conducted within the corporate limits as the council shall deem reasonable, and to provide for its collection by fine and penalty, as for violation of other ordinances: *Provided*, That the general exemptions provided for in chapter 31, Civil Code of Procedure for the district of Alaska, shall not apply to any tax lawfully levied against any property, as provided for in this chapter: *Provided further*, That no such property tax as herein provided for shall exceed 2 per cent on the assessed valuation of the property; and all assessments made by the corporation assessor shall be subject to review by the council, and appeals may be taken from their decision to the district court. No bonded indebtedness whatever shall be authorized for any purpose.

"Eleventh. By ordinance to provide reasonable punishment for the violation of municipal ordinances by a fine not exceeding \$200 or imprisonment in the municipal jail for a term not exceeding ninety days, or both, for each violation.

"Twelfth. To provide for the election of a municipal magistrate who shall have power to hear and determine causes arising under the ordinances of such corporation, and to punish violations of such ordinances: *Provided*, That all sentences of imprisonment imposed by said municipal magistrate shall be served in the municipal jail without expense to the Government of the United States. All appeals to the district court from the judgments of such municipal magistrate shall be governed by the laws relating to appeals from the judgments of commissioners acting as justices of the peace. Such municipal magistrate shall receive a salary to be fixed by the council, and no fees or other compensation whatever; and all judgments imposed by said magistrate and collected shall be turned over to the treasurer of the corporation and applied to the use and benefit of the municipality as the council may direct."

"SEC. 4. That section 203 of chapter 21 of Title III, as amended by the act approved March 3, 1901, be amended so as to read as follows:

"SEC. 203. The treasurer of the corporation shall be ex officio treasurer of the school board, and shall, before entering upon the duties of his office, take the oath prescribed by law and execute bond to the corporation in an amount to be determined by the judge of the district court, which bond shall be approved by the council and the judge of the district court and filed in the office of the clerk of the corporation, and he shall give such additional bond as the council or judge of the district court may from time to time direct, but in no event shall such bond be less than twice the amount of money in the hands of the treasurer at any one time, to be determined by the tax rolls and license books of the corporation, and of the clerk of the district court: *Provided*, That all license moneys provided for by act of Congress approved March 3, 1899, entitled "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," and any amendments made thereto, required to be paid by any resident, person, or corporation for business carried on within the limits of any incorporated town, and collected by the clerk of the court, shall be paid over by the clerk of the United States district court receiving the same to the treasurer of such corporation, to be used for municipal and school purposes in such proportions as the court may order, but not more than 50 per cent nor less than 25 per cent thereof shall be used for school purposes, the remainder thereof to be paid to the treasurer of the corporation for the support of the municipality, and the clerk of said court shall take said treasurer's receipt therefor, in triplicate, one of which receipts shall be forwarded to the Secretary of the Treasury, another to the Attorney-General, and the other shall be retained by the clerk: *Provided*, That 50 per cent of all license moneys provided for by said act of Congress approved March 3, 1899, and any amendments made thereto, that may hereafter be paid for business carried on outside incorporated towns in the district of Alaska, and covered into the Treasury of the United States, shall be set aside to be expended, so far as may be deemed necessary by the Secretary of the Interior, within his discretion and under his direction, for school purposes outside incorporated towns in said district of Alaska."

"SEC. 5. That title 3 of said act be amended by adding thereto the following:

"CHAPTER 37.

"OF THE FORMATION OF PRIVATE CORPORATIONS.

"SECTION 1. That three or more adult persons, bona fide residents of the district of Alaska, may form a corporation in the manner and subject to the limitations provided in this chapter for the following purposes, to wit:

"First. To construct, own, and operate railroads, tramways, street railways, wagon roads, canals, flumes, and telegraph and telephone lines in Alaska.

"Second. To acquire, hold, and operate mines in Alaska.

"Third. To carry on the fishery industry in all its branches in Alaska and in the waters contiguous and adjacent thereto.

"Fourth. To construct and operate smelters, electric and other power and lighting plants, docks, wharves, elevators, warehouses, and hotels in Alaska.

"Fifth. To carry on trade, transportation, agriculture, lumbering, and manufacturing in Alaska.

"SEC. 2. That any three or more persons who may desire to form a corporation for one or more of the purposes specified in the preceding section shall make and subscribe written articles of incorporation in triplicate and acknowledge the same before any officer authorized to take the acknowledgment of deeds, and file one of such articles in the office of the secretary of the district of Alaska, and another in the office of the clerk of the district court of the recording division in which the principal place of business of the company is intended to be located, and retain the third in the possession of the corporation, and each copy so filed shall be recorded by the officer with whom filed in a book to be kept by him for that purpose.

"Said articles shall contain and state:

"First. The name of the corporation, the nature and character of the business, and the principal place of transacting the same.

"Second. The time of commencement and the period of continuance of said corporation, which shall not exceed fifty years.

"Third. The amount of capital stock of said corporation, and how the same shall be paid in, and the number and par value of the shares.

"Fourth. The highest amount of indebtedness or liability to which said corporation shall at any time be subject.

"Fifth. The names and places of residence of the persons forming such corporation.

"Sixth. The names of the first board of trustees, and in what officers or persons the government of the corporation and the management of the affairs shall be vested, and when the same are elected and their terms of office.

"Seventh. Said articles of incorporation may be amended when authorized by a vote of the majority of the stock given at a regular meeting of the stockholders. Such amended articles shall be executed and acknowledged by the board of directors, or a majority of them, and shall be filed in the same places and manner as the original articles.

"Sec. 3. That a copy of any articles of incorporation filed pursuant to this chapter, and certified by the clerk of the district court in which the same is filed, or one of his deputies, or by the secretary of the district of Alaska, shall be received as prima facie evidence of the facts therein stated.

"Sec. 4. That when the articles of incorporation have been filed and recorded, the persons who have executed and acknowledged the same, and their successors, shall be a body corporate and politic in fact and in law under the name stated in the articles of incorporation, and by such corporate name shall have succession for the period limited in this chapter and shall have power—

"(a) To sue and to be sued in any court having jurisdiction;

"(b) To make and use a common seal, and alter the same at pleasure;

"(c) To purchase, hold, mortgage, sell, and convey real and personal property, except stock in other corporations, subject to the limitation hereinafter prescribed;

"(d) To appoint such officers, agents, and servants as the business of the corporation shall require, to define their powers, prescribe their duties, and fix their compensation;

"(e) To require of them such security as may be thought proper for the fulfillment of their duties, and to remove them at will, except that no director shall be removed from office unless by a vote of two-thirds of the stockholders;

"(f) To make by-laws not inconsistent with the laws of the district of Alaska and the laws and Constitution of the United States;

"(g) To manage its property, regulate its affairs, transfer its stock, and to carry on all kinds of business within the objects and purposes of the corporation as expressed in the articles of incorporation.

"Sec. 5. That all private corporations incorporated under this chapter, and all corporations or joint stock companies organized under the laws of the United States, or the laws of any State or Territory of the United States, and authorized to do business in the district of Alaska, shall have the right to acquire and hold only such real estate as may be necessary to carry on their corporate business.

"Sec. 6. That the corporate powers of the corporation shall be exercised by a board of not less than three directors who shall be stockholders in the corporation, a majority of whom shall be residents of the district of Alaska, who shall, before entering upon the duties of their office, severally take and subscribe an oath to faithfully perform their duties as such directors, and who shall, after the expiration of the terms of the directors first elected, be annually elected by the stockholders at such time and place within the district of Alaska and upon such notice and in such manner as shall be directed by the by-laws or articles of incorporation of the corporation; but all elections shall be by ballot, and each stockholder, either in person or by proxy, shall be entitled to as many votes as he may own or represent shares of stock, and the person or persons receiving a majority of the votes of all the shares of stock voted, a majority of the stock being represented, shall be a director or directors. Whenever any vacancy shall happen among the directors by death, resignation, or otherwise, except by removal and the election of a successor, it shall be filled by appointment of the board of directors for the unexpired term of such vacancy.

"Sec. 7. That if it shall happen at any time that an election of directors shall not be made on the day designated by the by-laws or articles of incorporation of the corporation, the corporation shall not for that reason be dissolved, but it shall be lawful on any other day after due notice, prescribed by the by-laws, to hold an election for directors in such manner as shall be provided for in the by-laws or articles of the corporation, and all directors duly elected shall hold their offices until their successors are elected and qualified.

"Sec. 8. That a majority of the whole number of the directors shall form a quorum of the board of directors for the transaction of business, and every decision of a majority of the directors duly assembled as a board shall be valid as a corporate act.

"Sec. 9. That, except as otherwise provided in the articles of incorporation or by-laws of the corporation, the first and all subsequent meetings of the directors shall be called by a notice signed by one or more persons named as directors in the certificate, or their successors, setting forth the time and place of the meeting, which notice shall be delivered personally to each director if he resides in Alaska, and published at least twenty days in some newspaper of general circulation at or nearest the principal place of business of the corporation and in the district of Alaska.

"Sec. 10. That the stock of the corporation shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the articles of incorporation or the by-laws of the corporation; but no transfer shall be valid except between the parties thereto until the same shall have been entered upon the books of the corporation so as to show the names of the parties, by and to whom transferred, the numbers and designation of the shares, and the date of transfer.

"The stockholders of any corporation formed under this chapter may, in the by-laws or articles of the corporation, prescribe the times, manner, and amounts in which payments of the stock subscribed by them, respectively, shall be made; but in case the same shall not be so prescribed, the directors shall have the power to demand and call in from the stockholders the sum or sums unpaid of the stock subscribed for or taken at such time, and in such manner, payments or installments, as they may deem proper. In all cases sixty days' notice of each assessment shall be given to the stockholders personally or by registered letter, if his post-office address is known to any officer of the corporation, and by publication, weekly, for eight consecutive weeks, in some newspaper of general circulation published at or nearest to the principal place of business of the corporation in the district of Alaska. If, after such notice has been given, any stockholder shall make default in the payment of assessments upon the shares held by him, so many of said shares may be sold as will be necessary for the payment of the assessments upon all shares held by him, her, or them at that time. The sale of such shares shall be made as prescribed in the articles or by-laws of the corporation, but shall in no case be made at the office of the corporation. No sale shall be made except at public auction, to the highest bidder, after notice given as in the case of notices of assessment; and at such sale the person who shall pay the assessment so due, together with the expenses of advertising and sale, for the smallest number of shares or portion of a share, as the case may be, shall be deemed the highest bidder. *Provided*, That after the delivery of the certificates of stock to the stockholders no call shall be made at

any one time for more than 10 per cent of the par value of the stock, and that calls shall not be made oftener than once in thirty days, unless otherwise provided in the articles of incorporation.

"Sec. 11. That whenever any stock is held by a person as executor, administrator, guardian, trustee, or in any other such representative capacity, he shall represent such stock at all meetings of the corporation, and may vote accordingly as a stockholder in person or by proxy.

"Sec. 12. That any stockholder may pledge his stock by delivery of the certificate or other evidence of his interest, but may nevertheless represent the same at all meetings and vote as a stockholder.

"Sec. 13. That it shall not be lawful for the directors to make any dividend in new or additional stock, or to make any dividend, except from the net profits arising from the business of the corporation, or to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of the corporation, or to reduce the capital stock of the corporation unless in the manner prescribed in this chapter or in the articles or amended articles of incorporation or by-laws; and in case of any violation of the provisions of this section the directors under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the board of directors at the time, or were not present when the same did happen, shall, in their individual or private capacities, be jointly and severally liable to the corporation and the creditors thereof, in event of its dissolution, to the full amount so divided or reduced or paid out: *Provided*, That this section shall not be construed to prevent a division and distribution of the capital stock of the corporation which shall remain after the payment of all its debts upon the dissolution of the corporation or the expiration of its charter.

"Sec. 14. That no corporation shall issue any of its stock, except in consideration of money, labor, or property estimated at its true money value. Each and every stockholder shall be personally liable to the creditors of the company for the amount that remains unpaid upon the par value of his stock.

"Sec. 15. That no person holding stock as an executor, administrator, guardian, or trustee, or holding it as collateral security, or in pledge, shall be personally subject to any liability as a stockholder of the corporation; but the person pledging the stock shall be considered as holding the same and shall be liable as a stockholder, and the estate and funds of the owner of stock in the hands of an executor, administrator, guardian, or trustee holding the stock shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in the trust fund would have been if he or she had been living and competent to act and hold the stock in his or her name.

"Sec. 16. That every corporation organized under this chapter shall, within one month after filing articles of incorporation, adopt a code of by-laws for its government, and shall have its principal office in the district of Alaska and keep in such office its general and principal books of account, including its stock books and record books, and its principal managing officer or superintendent shall reside within the district of Alaska. Every such corporation shall keep correct and complete books of account of its business, and a correct and complete record of all its proceedings, including such as relate to the election of its officers. Every such corporation shall also keep a book containing the names of its stockholders ever since its organization, showing the place of residence, amount of stock held, the amount paid on such stock, and time of transfer of stock. The books of every such corporation shall, at all reasonable times, be open to the inspection of stockholders.

"Sec. 17. That any corporation created under this chapter may, subject to the provisions of the same, increase or diminish its capital stock to any amount within the limits fixed by the articles or amended articles of incorporation; but before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts or liabilities shall exceed the sum to which the capital stock is proposed to be diminished, such amount shall be satisfied and reduced so as not to exceed the diminished amount of capital stock.

"Sec. 18. That whenever it is desired to increase or diminish the amount of capital stock, a meeting of the stockholders shall be called by a notice signed by at least a majority of the directors and published weekly at least eight consecutive weeks in some newspaper of general circulation published at or nearest the principal place of business of the corporation in the district of Alaska, which notice shall specify the object of the meeting, the time and place where it is to be held, and the amount to which it is proposed to raise or diminish the capital stock; and a vote of two-thirds of all the shares of stock shall be necessary to increase or diminish the amount of capital stock.

"If at any meeting so called a sufficient number of votes have been given in favor of increasing the amount of capital stock, a certificate of the proceedings, showing a compliance with these provisions, the amount of the capital stock actually paid in, the whole amount of debts and liabilities of the company, and the amount to which the capital stock is to be increased or diminished shall be made out, signed, and verified by the affidavit of the presiding officer and secretary of the meeting, certified to by a majority of the directors, and filed and recorded as articles of incorporation are required to be filed and recorded by section 2 of this chapter.

"Sec. 19. That in like manner as provided in the preceding sections, and upon such additional notices as may be provided in the articles of incorporation or by-laws, any of the general provisions of the articles of incorporation may be amended and upon like vote, unless a different vote be required in the articles of incorporation; but such amended articles must be filed and recorded as prescribed in section 2 of this chapter.

"Sec. 20. That every corporation of the district of Alaska shall, on or before the 1st day of September of each year, file in the office of the clerk of the district court of the recording division where its principal office is located a list containing the names of its principal officers, including the officers mentioned in subdivision 1 of section 46 of the code of civil procedure for the district of Alaska, and whenever any such officers are changed or substituted shall, within thirty days after such change or substitution, file a notice thereof in like manner with such clerk.

"Sec. 21. That any corporation organized under this chapter, when no other mode is specially provided, may, when its debts and liabilities are duly paid or secured, dissolve by a written resolution to that effect, at a meeting of the stockholders specially called for that purpose, by a vote of the owners of at least two-thirds of the stock of the corporation. One copy of such resolution, together with a certificate thereto attached signed by the president and secretary, or, if none, the corresponding officers, and sealed with the corporate seal, stating the facts that all the debts and liabilities of the corporation have been duly paid or secured, and the fact and date of the adoption of such resolution, and that the same is a true copy of the original, the whole number of shares of stock, the shares of stock whose owners voted for its adoption, shall be filed and recorded as articles of incorporation are required to be filed and recorded under section 2 of this chapter. Thereupon the corporation shall cease to exist except for the winding up of its affairs.

"Sec. 22. That all corporations whose terms of existence shall expire by their own limitations, or which shall be voluntarily dissolved in the manner provided in the preceding section, or which shall be dissolved by the judgment of court, shall nevertheless continue to be bodies corporate for three years thereafter for the purpose of prosecuting and defending actions, and

for enabling them to settle up and close their business, pay their debts, dispose of and convey their property, and divide their assets, but for no other purpose; and when any corporation shall be so dissolved, the directors or managers of the affairs of such corporation at the time of its dissolution, by whatever name they shall be known, shall, subject to the power of any court of competent jurisdiction to make in any case a different provision, continue to act as such during said term, and shall be deemed the legal administrators of such corporation, with full power to settle its affairs, pay its debts, sell or dispose of or convey all of its property, both real and personal, collect the outstanding debts, and, after paying the debts due and owing by such corporation at the time of its dissolution and the costs of such administration, divide the residue of the money and other property among the stockholders thereof.

"SEC. 23. That the president, secretary, and treasurer of any corporation organized under the provisions of this chapter shall annually, under their signatures and oaths, make out and publish weekly, for three successive weeks, in a newspaper of general circulation in the district of Alaska, a joint statement showing: First, the number of shares of capital stock outstanding; second, the amount paid in on each share of stock; third, the actual paid-up capital of the corporation; fourth, the just cash value of the property of the corporation and the character and nature of the same; fifth, the debts and liabilities of the corporation and for what the same were incurred; sixth, the salaries paid each and every officer, manager, and superintendent of the corporation during the preceding year; and, seventh, the increase or decrease, if any, of the stock, the capital, and the liabilities of the corporation during the preceding year."

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to make points of order against the consideration of this bill. The bill, Mr. Speaker, is claimed to be in order, as I understand it, because it is a Senate bill laid before the House by the Speaker, and that there is a House bill substantially the same as this bill which has been reported from a committee of the House. That I understand to be the situation. After we have got to that point, I understand the gentleman from Illinois [Mr. WARNER] presents a substitute for the House bill reported by the Committee on Revision of the Laws, with the claim that the substitute is also substantially the same as the Senate bill. Now, the first point of order I make is that this bill, relating alone to the Territory of Alaska, should have gone to the Committee on Territories, and not to another committee of the House. It is a very long bill, as the Speaker doubtless has observed. It puts us in the attitude now of being called upon to state objections to the substitute when we have not been able to see it, except as it was printed in the RECORD. I have not seen the House bill, but it is claimed it is identical with the Senate bill, nor have I been able to get the Senate bill.

If the bill should have gone to the Committee on Territories, I make that point of order. Secondly, the substitute which the gentleman has offered for the House bill, and which he claims is substantially the same as the bill that passed the Senate, certainly should be considered in Committee of the Whole, for it provides for the levying of taxes in the District of Alaska, and provides for licenses, and makes the disposition of the money received from those sources. It gives a part of it to the public schools of the Territory of Alaska, and it seems to me that a bill of this magnitude ought to be considered in Committee of the Whole.

It is not so much a revision of the law, but it makes the law for the government not only for corporations in the Territory of Alaska but, as I state, for the levy and appropriation of the taxes of the Territory in the district of Alaska. It provides for licenses, municipal taxes, etc., and the support of public schools.

In the fourth clause of section 3, as printed in the RECORD, it provides for necessary street improvements, sidewalks, cross walks, and sewerage. In the fifth clause it provides for fire protection, water supply, light, wharfage, maintenance of public schools, protection of the public health, police protection, and the expenses of assessment and collection of taxes. In the sixth clause it provides for the assessment and collection of a poll tax on all male residents between the ages of 21 and 60 years, and a fine and penalty for refusal, neglect, or failure to pay such tax. Seventh, it provides for the taxing of dogs, and for the impounding and destroying all dogs upon which such tax is not paid. In the eighth clause for the levy of a general tax on real property, and imposes a penalty for its nonpayment. The ninth clause provides for the assessment and levying of a tax on personal property and a penalty for its nonpayment, and to provide for the distraint and sale of sufficient goods and chattels belonging to the person charged with such tax to satisfy the same.

Now, all of these sections providing for the levying and collection of taxes from the people, it seems to me, would bring the bill within the rule which requires that it first should be considered in Committee of the Whole. The bill may be meritorious, but we ought not to consider it in this manner, involving as much as it does. Therefore I make the two points of order—first, that it should have gone to the Committee on Territories and not the Committee on the Revision of the Laws, which has not jurisdiction of this question, and the next is that it should have consideration in the Committee of the Whole. That being true, it is not in order to be considered when laid before the House by the Speaker in the transaction of the morning business.

The SPEAKER. The Chair would be glad to hear from the

gentleman from Illinois [Mr. WARNER], unless the gentleman from Illinois [Mr. CANNON] wishes to call up a conference report.

CONFERENCE REPORT ON GENERAL DEFICIENCY BILL.

Mr. CANNON. I should be glad to call up the conference report, Mr. Speaker, on the general deficiency bill.

The SPEAKER. The pending bill will be laid aside for that purpose.

Mr. CANNON. I ask unanimous consent that the reading of the report be dispensed with, and that only the statement of the House conferees be read.

There being no objection, it was ordered accordingly, and the statement of the House conferees as published in the House proceedings of June 28 was read.

The SPEAKER. The first question is on agreeing to the report. The report was agreed to.

On motion of Mr. CANNON, a motion to reconsider the vote just taken was laid on the table.

Mr. CANNON. Mr. Speaker, I now move that the House further insist on its disagreement to the Senate amendments still undisposed of and ask for a conference.

Mr. ALEXANDER. I ask that the House recede from its disagreement to amendment No. 8 and concur in the same.

The SPEAKER. The gentleman from New York [Mr. ALEXANDER] asks for a separate vote on amendment No. 8. Is a separate vote demanded on any other amendment?

Mr. FINLEY. I ask a separate vote on amendment No. 9.

Mr. BURTON. Mr. Speaker, I may desire to ask for a separate vote on amendment No. 34. I wish to inquire of the gentleman from Illinois [Mr. CANNON] whether upon the amendment appropriating \$25,000 for the Ohio River between Mound City and Cairo the Senate conferees concurred in the suggestion that there be added the words "and such expenditure is required in the interest of navigation?"

Mr. CANNON. I will say to the gentleman that that action of the Senate has not been concurred in, nor has the proposition which the gentleman refers to been considered in conference. As this is a matter that concerns the jurisdiction of the Committee on Rivers and Harbors, I should be very glad (although it is a question that might possibly be worked out in conference) if the gentleman would make a motion, when the question is reached, that the House concur in that amendment.

Mr. BURTON. Mr. Speaker, then I ask a separate vote on amendment No. 34.

Mr. CANNON. Now, Mr. Speaker, I believe there ought to be a separate vote on amendment No. 26. I want to deal fairly with the House. That is the amendment appropriating \$1,000,000 as a gift to Hawaii. It is an amendment of some importance, and it seems to me the question ought to be considered and determined by the House, so that if nobody else asks for a separate vote on that question, I will ask for one.

Mr. POWERS of Maine. I rose a moment ago to ask about the amendment that the gentleman from Illinois [Mr. CANNON] has been speaking about—the million-dollar appropriation for Hawaii.

Mr. CANNON. Does not the gentleman think it wise that there should be a separate vote on that?

Mr. POWERS of Maine. I do, especially as the matter now stands.

Mr. SULZER. What is that million-dollar appropriation for?

Mr. CANNON. I will explain the matter when we reach it. But I will say briefly now that it is alleged that Hawaii has been at very great expense in stamping out the bubonic plague. This amendment in consideration of that makes Hawaii a gift of \$1,000,000 out of the Treasury, and authorizes that Territory to issue bonds for the balance.

The SPEAKER. Separate votes are demanded on amendments 8, 9, 26, and 34. The question is, first, on the motion of the gentleman from Illinois, that the House insist upon its disagreement to the other amendments.

The motion was agreed to.

The SPEAKER. The question is now upon concurring in amendment No. 8 on which the gentleman from New York [Mr. ALEXANDER] demands a separate vote. The Clerk will report that amendment.

The Clerk read as follows:

Pan-American Exposition: To John G. Milburn, of Buffalo, N. Y., as trustee, for the payment of certain creditors of the Pan-American Exposition Company, \$500,000; the claims against said company to be paid pro rata by said Milburn as trustee aforesaid being for labor, material, services, and other expenses incident thereto and attending the work of said exposition. None of this money shall be paid to any stockholder of said corporation as a dividend upon such stock, nor to pay any claim against said company secured by mortgage, nor to any holder of bonds or securities of said company on account of said bonds or securities, nor shall any payment be made for rents of said grounds or for the restoration of the same.

The said Milburn as trustee shall file with the Secretary of the Treasury a report giving the names of the creditors so paid, and the respective amounts, and on what account, accompanied with a voucher, under oath, showing the

furnishing of such labor, material, services, and other expenses as aforesaid, and the payment therefor by said trustee. The unexpended balance, if any, shall be returned by said trustee to the Treasury with said report, which shall be filed within one year after said appropriation shall be paid to said trustee. In case of the death, resignation, or removal of said trustee, the circuit court of the United States for the western district of New York shall, upon application of any interested party, appoint a successor who shall discharge said trust.

The said trustee or his successor may be required by the Secretary of the Treasury to give a bond to be approved by him for the faithful discharge of said trust hereby created.

The SPEAKER. Does the gentleman want more than an hour on each amendment? He would be entitled to that.

Mr. CANNON. That is quite enough.

Mr. ALEXANDER. Mr. Speaker, I would like the gentleman from Illinois to give us thirty-five minutes.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. CANNON. I suppose my time would begin now.

The SPEAKER. On this amendment it would.

Mr. CANNON. I have but sixty minutes.

Mr. ALEXANDER. Give us half of it.

Mr. CANNON. I apprehend that if I yield twenty-eight minutes to the gentleman and I reserve twenty-eight minutes, then I would have four minutes in which to move the previous question, if necessary.

Mr. ALEXANDER. Very well.

Mr. CANNON. So that I will yield to the gentleman now twenty-eight minutes of my time.

Mr. ALEXANDER. But I do not care to take that twenty-eight minutes at the outset. As I understand it, I have the control of that time.

Mr. CANNON. Oh, well, I suppose the gentleman can yield out of his own time.

Mr. GROSVENOR. Certainly; and he can reserve.

Mr. CANNON. I think we may just as well know at this time why the gentleman wants to have his motion sustained. Of course, I have the right to close.

The SPEAKER. The Chair will state to the gentleman from New York that he has a right to yield such of his time as he desires.

Mr. ALEXANDER. Mr. Speaker, my only insistence is that I do not have to use all of my time at the outset, until we know what the other side have to say.

The SPEAKER. The Chair will state to the gentleman from New York that he is speaking in the time yielded to him by the gentleman from Illinois, and he can not compel the gentleman yielding to him to divide it. The gentleman from New York has now twenty-eight minutes within his control and his time has commenced to run.

Mr. ALEXANDER. Mr. Speaker, I do not care to make a speech. I will leave that to my distinguished friend from Illinois, but I do desire to make a simple statement, and I am sure every member of the House desires to hear it. In the second session of the Fifty-fifth Congress, the President, by a joint resolution, was directed to invite all Pan-American countries to join in an exposition of American exhibits at Buffalo, to be held on May 1, 1901. That joint resolution gave existence to the Pan-American Exposition.

After that authority by Congress the people of the city of Buffalo, in contributions varying from 50 cents to \$50,000, raised, in round numbers, \$1,700,000, which was paid in cash. Thereupon, under a special act of the legislature, a company was organized with a directorate and a president. After that we came to Congress, asking that they make a Government exhibit, and the Fifty-sixth Congress voted \$500,000 to be expended by the Government solely for a Government exhibit. The Pan-American Exposition Company did not handle one cent of this money, nor have one cent's worth of good out of it except as a Government exhibit. Of that \$500,000 I am informed by those who well know that about \$250,000 was expended for increasing the exhibits at the Smithsonian Institution, the National Museum, and other departments in this city.

Those exhibits, paid for out of that appropriation, have this winter done service at Charleston, S. C., and will do service at St. Louis, Mo.; so that the Government, in fact, expended for its own exhibit only about \$250,000. It gave us no money; it loaned us no money. It gave Philadelphia and Chicago millions and it has given St. Louis millions; but Buffalo received nothing except a Government exhibit which did not cost, under any circumstances, to exceed \$250,000. After the Government had agreed to make its exhibit the citizens of Buffalo raised \$2,500,000 on a first-mortgage bond, being a lien upon the gate receipts, less the little amount that was needed to carry along expenses each day.

In the month of March, 1901, it was discovered that we needed \$500,000, if the exposition was to open out of debt, and the citizens of Buffalo put their hands in their pockets to the tune of \$500,000 more, making in all \$4,700,000 that the people of Buffalo paid in cash. The exposition opened on the 1st of May and was going along handsomely; but during July and later we found that extensive

repairs were necessary, such as reasphalting, repainting, and repairing generally, so that they approximated in the neighborhood of \$700,000; but in the wisdom of the Senate it has seen fit to give only \$500,000, in accordance with this amendment.

The attendance at Buffalo was proportionately as generous as it had been at Chicago or Omaha or Philadelphia. The attendance in August was even better in proportion than at either of those fairs. In the month of August, although the country was suffering under a hot wave, the fair took in \$667,000 at the gates. For the week ending September 3—

Mr. CANNON. I will say to my friend that it is proper for me to notify him now that I question the accuracy of his statements, having the statement from Mr. Milburn in my hand, to which I will refer.

Mr. ALEXANDER. I have the same statement right here, and I am speaking directly from the figures, only, of course, in round numbers, leaving off fractions.

Mr. CANNON. Away off.

Mr. ALEXANDER. Not very far off.

Mr. CANNON. Away off, by the hundred thousand.

Mr. ALEXANDER. Oh, no; not very far off. As I have it here in print, the receipts for admissions for the single week ending September 3 were \$168,000. Then came the national tragedy. Before that everything had the rainbow tints of success; but when the assassin did his deadly work few people, comparatively speaking, wanted more of the exposition, because it was the place where the beloved President of the nation had been foully murdered. The wonderful electrical display, the electric tower, the most beautiful thing ever seen on earth, all the power of Niagara could not dissipate the great black cloud which settled over it like a funeral pall.

I have no doubt scores of gentlemen within my hearing had the feeling that they cared not to go and would not go where this dreadful national disaster had occurred. Now, the figures support me in the statement that after the tragedy the attendance at the Pan-American Exposition no longer responded to the exquisitely beautiful attractions. At Chicago, at Philadelphia, and at Omaha the increased rate of attendance in September over August was 55 per cent. At Buffalo it was 7.55 per cent less. I hope the gentleman will catch these percentages.

Mr. CANNON. I caught it and I challenge it. The increased attendance at Philadelphia in October over September was 9.55, and at Buffalo nearly 16 per cent.

Mr. ALEXANDER. I was not talking about October. If my distinguished friend will allow me, the proposition I made was that at Chicago, Omaha, and Philadelphia the attendance in September over August averaged an increase of 55 per cent; and that at Buffalo it was 7.55 per cent less than in August. The gentleman from Illinois will find it so in the printed page before him.

My friend knows, and every gentleman knows, that the months of September and October at Philadelphia, Omaha, and Chicago were the months of greatest attendance, and we had a right to suppose that they would be so with us. But instead of getting an average increase of 55 per cent in September over August, we got 7.55 per cent less in September than we got in August.

Now, I will come to the proposition of the gentleman from Illinois. The attendance at Chicago, at Omaha, and at Philadelphia, for October, was 108 per cent more than it was in August, while in Buffalo it was only 8.42 per cent more than in August. In other words we should have had in September an attendance equaling in money over \$1,200,000, whereas we got only about \$490,000, and in October we should have received over \$1,600,000, whereas we received but about \$620,000. Figures do not lie. We had a right to expect that the great months of September and October would be to us what they were elsewhere at other fairs; but in September, instead of getting 55 per cent more than in August, we got 7 per cent less, and where they got 108 per cent increase in October over August, we received only 8 per cent increase.

Mr. HANBURY. Does the gentleman from Illinois still challenge the statement made by the gentleman from New York?

Mr. CANNON. Oh, the comparison is made with August, and not between September and October. They say figures do not lie, but you can juggle with them.

Mr. ALEXANDER. Oh, well, my friend does not mean to infer that I am juggling with figures. If my friend will take the figures for August, September, and October, he will find that I have given them exactly. The gentleman does not mean to accuse me of juggling with figures, when everything is printed and before us.

Mr. CANNON. I make no reflection upon the gentleman's good faith. He is advocating the measure, as he has a perfect right to do, in his own way. I only interrupted him in fairness to him, with notice that at the proper time I should challenge the correctness of some of his conclusions. That is all.

I have nothing against the gentleman from New York,

Mr. ALEXANDER. The difference between the gentleman and myself is simply this: I am making comparisons of September with August and October with August. His comparison is as to September with August and October with September. It makes no difference. It was 7 per cent less for September, and it was only 8 per cent more for October.

Mr. TAWNEY. And the catastrophe occurred in September.

Mr. ALEXANDER. The catastrophe occurred the first week in September. Now, I have occupied more time than I should have taken, and I will close this statement with quoting from Senators HALE and SPOONER and TELLER when they placed this amendment upon the general deficiency bill in the Senate.

Mr. SNODGRASS. I would like to ask the gentleman a question.

Mr. ALEXANDER. Certainly.

Mr. SNODGRASS. I should like to ask the gentleman what the falling off in attendance of this exposition has to do with this question? Does the gentleman insist that the assassination of the President creates an obligation on the part of this Government to pay the debts of this institution?

Mr. ALEXANDER. Oh, no. I am accounting for the failure of the exposition and will let the gentleman answer his own question as to obligation.

Mr. SNODGRASS. Then what is the effect of your argument?

Mr. SULZER. I will say to the gentleman from Tennessee that the falling off in the attendance has all to do with this matter. That is the reason why it is necessary to have this legislation.

Mr. SNODGRASS. Does the Government undertake to guarantee the attendance at an exposition?

Mr. ALEXANDER. Senator HALE said:

The committee put in this provision for two reasons. The Senate last year provided for \$500,000 additional to this exposition in the spirit of liberality that had led it to be very liberal to the St. Louis exposition, but the House struck it out and we could not get it in conference. If we had done as the Senate then decided unanimously, to give it to them, they would have had the money and would not have been here now.

Then, of course, there was the other patent reason, the tragic event in Buffalo, which overshadowed not only the country but the world and prostrated this exposition. We have guarded it and have left the expenditure of the money in the hands of a very eminent man in Buffalo, Mr. Milburn, who was the president, and who, I will say, after we had drafted the amendment and put it into his hands, telegraphed that he preferred that we should add to the provision one making him accountable to the Treasury and submit vouchers and returns; also asking that we put him under bonds, as is usual in such cases.

Mr. SPOONER. Is there any language in the amendment which would distinguish it from the ordinary deficit, so as to take it out from being a precedent which is to be followed hereafter? The assassination of the President at Buffalo undoubtedly, as the Senator says, had a very detrimental effect upon the exposition.

Mr. HALE. The committee considered that and we thought we would not embody anything of that kind in the bill, but let it be seen, as it will be, and remembered of all men hereafter, that that is the one great reason. The other is a pretty strong one also.

Mr. TELLER. The fair at Buffalo would undoubtedly have been a success but for the unfortunate occurrence of the assassination of the President. Up to that time the fair was a promising one, but immediately upon the assassination the people of the United States were so horror-stricken with that terrible catastrophe that nobody wanted to go there. It is a fact that not only did the attendance immediately fall off—that is, people did not go—but people who had gone there intending to remain some considerable time immediately departed from the city.

I reserve the balance of my time.

The SPEAKER. The question is on the motion of the gentleman from New York.

Mr. CANNON. Does the gentleman desire to use any more of the time yielded him?

Mr. ALEXANDER. Yes; after the gentleman has used some of his time.

Mr. CANNON. If the gentleman has anything further to say, I would be glad that he would say it. I have the right to close this discussion.

Mr. ALEXANDER. I have nothing further to say myself, but there are a number of friends present in the House who will be glad to speak, and I desire to give them a minute or two, after the gentleman is through. The gentleman can reserve enough of his time and close.

Mr. CANNON. Now, I will move the previous question after I make my few broken remarks, and if the gentleman does not desire the time, well and good.

Mr. ALEXANDER. Then the gentleman means to say that he will not let me have the rest of my time after he has spoken?

Mr. CANNON. I do; most unqualifiedly.

The SPEAKER. The gentleman from New York must use his time now if the gentleman from Illinois insists.

Mr. ALEXANDER. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has eight minutes remaining.

Mr. ALEXANDER. Then I yield a minute to my colleague [Mr. McCLELLAN].

Mr. McCLELLAN. Mr. Speaker, I can only add in addition to what my colleague has said that the New York delegation is a unit in favor of this provision. The Pan-American Exposition

was a national undertaking. The United States made no appropriation for it. The death of the late President made the attendance fall off. Under the constitution of the State of New York no relief can be obtained from the State government. The stock and second mortgage bonds have been wiped out. The cost of labor and material can never be paid unless the funds be provided by the United States. I realize that we may have no legal standing before Congress, but I believe that we have a moral standing before the United States for relief in this matter.

Mr. ALEXANDER. I yield one or two minutes to the gentleman from Minnesota, as he may desire.

Mr. TAWNEY. Mr. Speaker, as chairman of the Committee on Industrial Arts and Expositions it has been my duty to give this matter some consideration and investigation. I believe that in equity and good conscience we should make this appropriation. The people of Buffalo lose \$2,500,000 on the Pan-American Exposition. The cause of that loss, I think, is evident to every man who contemplates for a moment the terrible effect upon the public mind of that awful tragedy that occurred at Buffalo early in the month of September last.

Not one dollar of this money goes to the people who have sustained that loss—the \$2,500,000. Not one dollar of it will go to any man interested in promoting that exposition, interested as a stockholder, interested as a bondholder, or interested in any way except as a contractor. The appropriation goes exclusively to the men who erected and maintained the buildings, who paid for the labor and material used in their construction, and who can not in any way or under any other circumstances obtain payment, because there is no legal liability on the part of the exposition company or of anybody connected with the exposition for the amount thus expended by these men and which is justly due them.

What does it mean if these men are not paid? As a result of the assassination of President McKinley this exposition was closed for four days. Not a solitary admission was permitted during any one of these four days. Two days after the assassination, the day after the death, and the day of the funeral of the President the exposition was closed as a mark of respect to President McKinley and the office which he held. The Government had authorized the exposition. The head of the Government had been assassinated at the exposition. Every consideration, therefore, demanded that this token of respect and esteem should be shown. That being so, these innocent contractors are called upon to pay for that respect to the memory of one of the Government's greatest Presidents.

I do not think that because it was necessary to close the exposition for this purpose men not in any way connected with the exposition or its benefits should be called upon to pay the expense and loss incident to that closing, which otherwise would not have happened. The loss sustained on account of such closing alone would amount almost to one-half of the appropriation, based upon the attendance the days immediately preceding the assassination.

Now, Mr. Speaker, this matter has received the attention and has the sanction and approval of the President, and I think that gentlemen of this House who regard the recommendations of the President of the United States as being absolutely conclusive upon Congress should follow his recommendation, as they have insisted others should follow his recommendations in respect to other matters, and not oppose this appropriation in this instance. In his last message the President said:

The Pan-American Exposition at Buffalo has just closed. Both from the industrial and the artistic standpoint this exposition has been in a high degree creditable and useful, not merely to Buffalo, but to the United States. The terrible tragedy of the President's assassination interfered materially with its being a financial success. The exposition was peculiarly in harmony with the trend of our public policy, because it represented an effort to bring into closer touch all the peoples of the Western Hemisphere, and give them an increasing sense of unity. Such an effort was a genuine service to the entire American public.

I think, Mr. Speaker, we should recognize that fact. We do recognize the fact that the exposition was a success in every way except financially, and that its financial failure was due largely, if not entirely, to the great calamity that occurred there on the 6th day of September last, and inasmuch as the entire appropriation goes, not to those interested in the exposition, but to innocent contractors who otherwise must sustain the entire loss, I think the appropriation should be made, and I shall vote for it. [Applause.]

Mr. ALEXANDER. I yield one minute to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Speaker, I hope the House will concur in this amendment. The Pan-American Exposition certainly benefited the trade and commerce of the nation, and it received no governmental aid. True, the Government made an exhibit there, but the \$4,800,000 necessary to build and open the fair was subscribed by the people of Buffalo and vicinity. The fair opened; it was a success up to that day in September when the country

was shocked by the news of the terrible tragedy of the assassination of the President of the United States. From that time, as has been shown, the attendance fell off and the exposition suffered a great loss.

There is no doubt as to this proposition. The liabilities of this fair in bonds and stock that fell as a direct loss on the citizens of Buffalo amount to \$2,300,000. For that no relief is asked; but we do ask that \$500,000 be appropriated to pay amounts due to contractors for losses sustained by furnishing labor, material, and supplies to run this exposition. There is no hope for those people except through Congress, and as the failure was due to the terrible tragedy, we hope the House will concur in this amendment. I wish to appeal to members on this side of the Chamber to support this measure. [Applause.]

Mr. CANNON. Mr. Speaker, I will ask unanimous consent that the time of the gentleman from New York [Mr. ALEXANDER] be extended for five minutes and that my own time be extended five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time of the gentleman from New York be extended five minutes and that his own time also be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ALEXANDER. I now yield one minute to the gentleman from New Jersey [Mr. FOWLER].

Mr. FOWLER. Mr. Speaker, it seems to me as though this was a moral obligation of the Government. I know the gentleman from Illinois [Mr. CANNON] will represent the Government as its special attorney to protect the Treasury, but, gentlemen, there are obligations in this world that rise higher than the obligations that may bear your signature; obligations that rest upon the citizens of a community in which they live more binding upon them even than written obligations which they can enter into. When we recall the facts surrounding the exposition, the fact that these people did everything in their power, that it was a remarkable exhibition, and that everybody who went to it was surprised at every detail, it is reasonable to suppose that, as a business enterprise, it would have met their expectations but for the assassination in the early part of September of President McKinley, which was one of the most shocking and one of the saddest tragedies in all the world's history. I believe that here is an occasion where we are under a moral obligation outstripping, in its potential force upon us, any written obligation we might have, and therefore I am going to vote for this measure. [Applause.]

Mr. ALEXANDER. I yield one minute to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Speaker, I believe that this Senate amendment should be adopted. The President of the United States in his message to Congress at the beginning of this session, speaking of this exposition, said:

Such an effort was a genuine service to the entire American public.

Now, Mr. Speaker, if the Pan-American Exposition was an "effort" which "was a genuine service to the entire American public," then this appropriation of \$500,000 is a meritorious one; and it seems to me that considerations of simple, absolute, and independent justice to the people who have in good faith furnished material and rendered services in the construction of the buildings of this exposition would prompt the passage of this amendment.

Mr. Speaker, I hope the appropriation will pass. [Applause.]

Mr. ALEXANDER. I yield one minute to the gentleman from Minnesota [Mr. MORRIS].

Mr. MORRIS. Mr. Speaker, this proposed appropriation stands upon a different footing from any similar one that has ever been before us. When this appropriation was first suggested, it was my idea that it should not be adopted. But after going over the facts with the gentleman from New York [Mr. ALEXANDER] and with my colleague [Mr. TAWNEY], the chairman of the Committee on Arts and Expositions, it seemed to me that it ought to be adopted. As I have just said, it stands on an entirely different footing from any similar appropriation, and for that reason I shall vote for it. The figures show that after the assassination of President McKinley the receipts at that fair, instead of increasing, as they had done at every similar exposition, decreased for the months of September and October.

[Here the hammer fell.]

Mr. ALEXANDER. Mr. Speaker, how much time have I left?

The SPEAKER. One minute and a half.

Mr. ALEXANDER. Mr. Speaker, I yield one minute to my colleague [Mr. SULZER].

Mr. SULZER. Mr. Speaker, all I desire to say in that minute is this: In my opinion, if it had not been for one of the saddest tragedies in American history the Pan-American Exposition would have been a financial success. In an educational way it was a success. In the last Congress the Senate passed an appro-

priation of \$500,000 for the Pan-American Exposition. That appropriation failed in this House. I voted for it then and will vote for it now, and I think that we ought to adopt this amendment. This money will go to pay poor people all over this country—people that can ill afford to lose their wages, and to pay for necessary materials furnished. For many reasons not necessary now for me to state it is my judgment that this appropriation should pass. It is an equitable and ethical question and we should meet it in a broad and liberal spirit.

Mr. ALEXANDER. I yield the residue of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, the appeal that comes to us to give relief to the pan-American enterprise comes with special force to the people of Ohio. I only speak as one representative of her people. Waiving every technical question and every technical argument, I am willing to cast my vote in favor of this appropriation.

I do not stop to consider its legal aspects nor the details which grow out of it. Coming from Ohio, as a single representative of that State on this floor, I can not refuse to bow my head to the force of the arguments presented by the gentleman from New York [Mr. ALEXANDER].

Mr. CANNON. I yield five minutes to the gentleman from Indiana [Mr. HEMENWAY].

Mr. HEMENWAY. Mr. Speaker, if I believed that the assassination of President McKinley at Buffalo was the cause of this deficiency, I would support the amendment. But I do not believe it. The receipts before and after that date do not demonstrate it. On the contrary, they show that very little decrease occurred in the receipts.

And I do not concede what the gentleman from Minnesota says—that the exposition was satisfactory to the people of the United States. The people that came back from Buffalo in August denied it. They did not encourage their neighbors to visit the Buffalo Exposition. I am reasonably certain that had not the President been assassinated at Buffalo the Buffalo people would have been here asking for this appropriation to make good their deficiency.

Did the Government ask them to hold this exposition? No; but Buffalo, as an advertisement to the city, asked that this exposition be held. They came and asked Congress for \$500,000 to be expended in the way of an exhibit. They said they would not ask for any more money, but came asking for more money, and come now again asking for more money. How about Charleston? Why, if this amendment is agreed to you have got to pay Charleston's debt of \$160,000. What did they say on this floor about Charleston when, in answer to my question when they were asking for \$90,000, upon what that request was based? They said upon a promise of the President of the United States. The President could not deny it. They said it was based upon a promise made by William McKinley, and every man who knew William McKinley and knew of his service on this floor knows that he was careful to make no promises that he was not authorized by law to make; yet they came with that plea and got from Congress \$90,000 for Charleston, and when that \$90,000 passed I asked Mr. Elliot this question:

I would ask the gentleman if this \$90,000 is appropriated whether that will be all that the Charleston Exposition will ask in the way of appropriation from the General Government?

Mr. ELLIOTT. Every dollar.

Mr. HEMENWAY. Every dollar?

Mr. ELLIOTT. Yes, every dollar; not a cent more.

Yet in this bill there is an amendment placed there on the Senate side granting \$160,000 more for Charleston, and if you pay Buffalo's debt you have got to pay Charleston's debt. Is this Government under obligations greater to Buffalo or Charleston than their own State? Why, they say that under the constitution of New York Buffalo's debt can not be paid. The constitution of New York is all right. Can you, under the Constitution of the United States, make good to these contractors their loss at Buffalo? If so, why could we not, in the construction of every public building in the United States, make good the losses of some poor contractor who has taken a contract to build for less than the amount the building cost him?

I believe if the Congress of the United States to-day fixes this precedent, that we will regret it many times in the future. If we are going to guarantee to every city that seeks to advertise itself by an exposition, that the Government will make good her losses, then I say that we are making a bad break in this House to-day. The gentleman from Illinois [Mr. CANNON] will show what the receipts were at Buffalo before and after the assassination of the President; he will show the comparison made by President Milburn himself, and to the mind of any reasonable man it will be demonstrated that the Buffalo exposition did not lose to exceed \$50,000 because of the assassination of President McKinley. I yield back such time as I have not used.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills and joint resolutions of the following titles:

- H. R. 303. An act for the relief of Sol Bear & Co.;
 H. R. 11171. An act granting a pension to Elizabeth A. Nalley;
 H. R. 11987. An act relating to transportation of dutiable merchandise at subports of Tacoma and Seattle, State of Washington;
 H. R. 15270. An act to amend an act entitled "An act authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi channel, known as the Morris and Cummings ship channel, in Aransas County, Tex.;"
 H. J. Res. 182. Joint resolution authorizing the Director of the Census to compile statistics relating to irrigation; and
 H. J. Res. 198. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the Thirty-sixth National Encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment.

The message also announced that the Senate had still further insisted upon its amendment to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, No. 91, disagreed to by the House of Representatives, and agrees to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as conferees on the part of the Senate.

Also, that the Senate had insisted upon its amendments to the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes, disagreed to by the House of Representatives, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MARTIN as conferees on the part of the Senate.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3690) for the relief of Jacob Hanger.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania.

Mr. DALZELL. Mr. Speaker, I want only time enough to record my protest against this proposed legislation. I want to say that in all the time I have had the honor to serve in this House I have never known a more preposterous proposition. What is the proposition? The proposition is to take \$500,000 out of the Federal Treasury and place it in the hands of a private individual to pay the debts of a New York corporation. Now, what are the circumstances? The city of Buffalo, some two or three years ago, desirous of exploiting its fame and bringing money to the pockets of its citizens, undertook an exposition.

Certain of the citizens became incorporated under the laws of New York as a private corporation, known as the Buffalo Exposition Society. Thereupon they came down to Congress and asked Congress to pass a law calling upon the President of the United States to extend an invitation to all Pan-American countries to come to Buffalo. Therefore, now they would say that because of that legislation this was a national project. On the other hand, I assert that it was simply a private enterprise. They came to Congress again and got an appropriation of \$500,000, and after having had that appropriation they came back to Congress again and asked for \$500,000 more.

Mr. TAWNEY. Mr. Speaker, they never got a dollar through appropriations from the Federal Government.

Mr. DALZELL. I stand on the assertion that I make, and the record will bear me out. They came back and asked for \$500,000 more. The Senate put an amendment on the bill giving the \$500,000. This House by a large vote recorded its protest against the giving of that money, and it was not given. Now they come back here and ask us for that money. I do not care whether the attendance at the exposition was greater in August or in September. I do not care to argue the question as to what was the cause of the failure of this enterprise. The simple fact is that a private enterprise undertook a venture, and now they ask when that venture has failed that the United States shall make good their loss. That is the simple proposition. I can not see that the death of President McKinley had anything whatever to do with it. The

fact is that that awful tragedy at Buffalo has been made use of for many, many unbecoming purposes. I think that we are approaching the sacrilegious when, under the shadow of that awful tragedy, an attempt is made to loot the Federal Treasury. [Applause.]

Mr. CANNON. I yield three minutes to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. Mr. Speaker, I think that upon a bill of this character every Representative on this floor ought to express his opinion freely, uninfluenced by his personal friendships. The gentleman from New York [Mr. McCLELLAN] said that the New York delegation were solid for this appropriation, and I have no doubt that our friends from South Carolina are equally solid, because they have something for Charleston in the "same tub." Now, that is no reason why anyone else outside of these local surroundings should be influenced to vote for this unjust, inequitable, and unprecedented proposition.

What is this proposition, Mr. Speaker, in reality and in fact? I read from what the Senate committee said on this subject.

Excepting through an appropriation from Congress, these liabilities to contractors and for the restoration of the property, amounting to \$613,625.10 (now reduced to \$500,000), must remain unpaid, and fall as a heavy loss upon men who are unable to bear it.

That simply means that Congress is asked to reimburse a large number of contractors who made an unwise and improvident contract and thereby incurred losses. Why I ask should the Government pay these unwise contractors? The Government is from no standpoint responsible, nor is the Government a guarantor in such matters.

Why, Mr. Speaker, you have heard that old exclamation, "O Liberty! Liberty! how many crimes are committed in thy name!" I have heard on this floor the name of Mr. McKinley invoked over and over again for purposes that it seemed to me were unbecoming. It meant simply that the great name and memory of Mr. McKinley was invoked to aid the passage of certain doubtful measures. But I say that this is the most unique proposition under which his name is invoked, for the purpose of making the calamity that was national in its character redound to the pecuniary benefit of the contractors of that enterprise.

The sole basis of this claim is that Mr. McKinley was assassinated on the 6th of September, 1901, during the Pan-American Exposition at Buffalo. No equity, no justice, in the claim—merely that Mr. McKinley lost his life there, and this kept people from attending the exposition. This is all there is in it.

Now, Mr. Speaker, what reason is there that anyone on this floor has given for this appropriation? No legal and no equitable reason; and I ask gentlemen on this side of the House to consider this suggestion. We, as loyal Democrats, have lustily proclaimed for years that we were in favor of an economical administration of public affairs and that we were earnestly opposed to useless and unnecessary expenditures of public money. Under our cardinal Democratic doctrine, what excuse can any Democrat give his constituents for putting his hand into the Treasury of the United States and taking out this \$500,000, without equity, without law, and without reason, and paying it to those men who have been so unfortunate as to lose on their contracts?

Mr. Speaker, all over this country when the sad announcement was made that President McKinley had been stricken down, men who were engaged on public contracts, men who were keeping stores, men who are engaged in every pursuit suspended their business, and people stood almost paralyzed for forty-eight hours, neglecting their daily business and pursuits. These men who abandoned temporarily their contracts on public buildings, who closed their stores and gathered around bulletin boards awaiting the news, if you go into the moral question, have the same right to demand payment for the damages and losses that they incurred that these contractors at Buffalo have. I am utterly opposed to such legislation. The fact is that the public business of the whole country suffered losses to the amount of millions untold by the commercial paralysis that Mr. McKinley's assassination created.

[Here the hammer fell.]

Mr. CANNON. Mr. Speaker, I yield three minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I desire to occupy the brief time that has been yielded to me simply to say that I do not conceive that there is any justice or equity in the claim made to pay the Buffalo Exposition Company the amount asked here, or any amount, upon the grounds that they allege as reasons why they are entitled to it. I desire to call the attention of the Democrats on this side the aisle who propose to make assaults upon the administration of affairs in this Congress, that has appropriated nearly \$785,000,000 out of the public Treasury for the next year, this session reaching almost to a billion-dollar session, to the fact that it will not lie in their mouths when they are called upon now

to stand by the chairman of the Committee on Appropriations in his effort to keep down appropriations and to cut off reckless expenditures—it will not lie in their mouths to make assaults upon the administration of affairs here if they record their votes in behalf of this measure or the measure for the relief of the Charleston Exposition Company either.

I well remember with what care the resolution for the holding of this exposition was presented to this House. I well remember that time and time again effort was made to secure unanimous consent for the consideration of the proposition to hold this exposition, without success. At first it was said they did not even want a Government exhibit, and that amendment was at first added to the bill. Finally, the statement was made by the advocates of the bill that at no time did they expect either to ask for a Government exhibit or a dollar of appropriation. Yet little by little they have increased their demands until, having already got \$500,000, they now propose to ask that we appropriate \$500,000 more.

It is said that because the greatest tragedy of the century occurred at Buffalo we are therefore called upon to pay to those people out of the Treasury the money that they ask for. Why, I well remember that in the great metropolis of this country, New York City, on the day on which the President was shot, on the day on which he died, and on the day upon which he was buried, in that great city every store and every place of business was closed. They did this not for the purpose of gain, not that they expected to ask Congress or anyone else to recompense them, but they did it all over this country to show their respect, their love, and the honor that they paid the great Chief Magistrate of this country who had been so ruthlessly stricken down. They did it, not for the purpose of being paid any money, but they did it for that which is far above money and without price.

[Here the hammer fell.]

Mr. CANNON. I yield two minutes to the gentleman from Wisconsin [Mr. BARNEY].

Mr. BARNEY. Mr. Speaker, I have always much doubted the wisdom of appropriating the money of the Government for expositions of this kind, whether at Chicago, Omaha, or anywhere else, and have uniformly voted against them. I do not believe we have any right to vote away the people's money for any such purpose.

But this proposition does not have even the merit of an original appropriation to an exhibition of this character. It is simply a proposition to make the Government the guarantor for the debts of such an enterprise when it proves insolvent, and has no merit whatever in law or equity.

It will establish a dangerous precedent for Congress which is liable to cost us millions of dollars hereafter.

It has been claimed here in support of this amendment that this enterprise at Buffalo was of a national character. I deny that proposition. It was a private enterprise, pure and simple. It was gone into by the people of Buffalo for the purpose of making money. They did not go into it for their health, nor for the benefit of the whole country. It was as much a private enterprise as any other great business undertaking in this country. It has been said in support of this amendment that this exposition was closed four days, and thereby they lost money. Is it not true that every place of business all up and down this country was closed for one day during the funeral of our beloved President?

If we should grant this relief that is sought to these people, is there good reason why every one who lost money thereby should not come in and ask Congress to give them money to make up for their loss as for this exposition company? They have quite as good reason to come and ask the Government to make up for the loss all over the country caused by this sad occurrence and which produced a general stagnation of business. Millions of men were turned out of employment and millions of money lost in various ways. I presume that if we could make a fair estimate, this country lost \$100,000,000 by reason of this great catastrophe. If you pay this claim, then similar claims might just as reasonably come up from other parts of the country, and which, in my judgment, would be entitled to as much consideration as this.

Mr. CANNON. I yield two minutes to the gentleman from Tennessee.

Mr. SNODGRASS. Mr. Speaker, this is an appeal to Congress on sentiment. It is a proposition, pure and simple, to pay the losses of a private corporation in the State of New York. There is an effort here to dignify this side show into a national enterprise. But it is a purely private corporation, and these debts are owed alone by that corporation. It is true that they applied here for aid from the General Government to carry on this exposition, and the refusal to give them that aid was a notification to them that the Government took no part in it.

Mr. Speaker, I was sorry to hear the gentleman from New York

arise in his place and say that the New York delegation was a unit in supporting this proposition. It occurs to me that that is as much as to say that the united delegation believe that there is no limit upon the power of Congress in the expenditure of public money, or else the sentiment is still prevalent in New York that so small a thing as the Constitution ought not to be allowed to stand between friends.

Mr. Speaker, there is a false argument presented here, that because the President of the United States was assassinated in that city there arose an obligation upon the part of this Government to pay the debts of that institution. The gentleman from Minnesota [Mr. TAWNEY] even goes so far as to say that because this institution was closed for four days after the death of Mr. McKinley, and because in closing this institution for the purpose of showing their respect to the President of the United States they lost money, that we ought to pass this appropriation. This is a strange kind of argument to present to this House. It is an effort to measure the highest and holiest sentiment of the human heart by the standard of a money value.

Mr. CANNON. I yield one minute to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, the gentleman from New Jersey [Mr. FOWLER] says that there is a moral obligation on the country to reimburse the Pan-American Exposition for this loss. He did not say that that moral obligation extended to South Carolina and its exposition. He did not tell us whether it went beyond that, and would lodge upon the country the obligation to pay the losses of all county fairs throughout the country. I presume that for the purpose of passing this bill the obligation does extend to South Carolina and will be recognized to-day, at least upon the first vote. Gentlemen of this House have signified their intention of voting for this bill upon a rising vote, but declare their intention to renege when it comes to a record vote. I would like to ask them how in conscience they can support on a rising vote what they are not willing to support on a record vote?

Mr. CANNON. I yield three minutes to the gentleman from Iowa.

Mr. HEPBURN. Mr. Speaker, I think that the gentleman from Buffalo evinced large sympathy for his own people and this great enterprise of theirs which was not a success. Still sympathizing with him, and with my people in our similar enterprise that was not a success, I therefore want to ask him if he would be willing to modify his motion so as to concur with an amendment making an appropriation to the Clarinda Chautauqua Association of \$100, the result of losses for which we were not responsible and for which this Government in part was?

Mr. LESSLER. Mr. Speaker, will the gentleman allow me?

Mr. HEPBURN. "The gentleman from Iowa" can not yield to a New York man. [Laughter.]

Mr. Speaker, we are trying to carry out a national purpose, the education of the masses. We recognize the fact that as education is disseminated the stability of our institutions are made more certain through the growing wisdom of the electors [laughter], and therefore we had instituted this association, and we had secured the services of that eminent statesman and philosopher from Missouri, and another from Indiana; and they were to have a joint debate. Everybody likes a contest of that kind.

The whole people of our country had gathered there to hear that debate. We would have made money out of it; but the Weather Bureau had failed to foretell the weather that there was to be on that day. The Government was derelict, it had not done its duty, and the storm came and the people were driven from the somewhat insecure place where we desired to hold that joint debate into the only building—into the largest one we had—and instead of having the contributions of 4,000 people who would have been there to gather wisdom from those statesmen, not more than 600 of them could crowd into the house. Ought not the Government to make that loss good? [Laughter and applause.]

Mr. ALEXANDER. Mr. Speaker, I would like to ask the gentleman a question.

Mr. HEPBURN. Can it be that this Government, that establishes a Weather Bureau for which we pay millions of dollars to disseminate information as to what the weather is and will be, can permit these losses to be incurred and then not reimburse the citizens who were thus defrauded of their money? [Laughter and applause.]

Mr. ALEXANDER (while Mr. HEPBURN was closing). We would not be here if it was on account of a whirlwind or an earthquake or an eruption.

Mr. HEPBURN. Mr. Speaker, can not I be protected from this earthquake or storm of interruptions? [Laughter.]

The SPEAKER. The gentleman from New York must not undertake to speak without first obtaining permission of the gentleman who occupies the floor.

Mr. ALEXANDER. I rose, Mr. Speaker, to ask a question.

The SPEAKER. But the gentleman from Iowa had not yielded.

Mr. HEPBURN. I had already said, Mr. Speaker, that I would not yield to a gentleman from New York.

Mr. ALEXANDER. Does the gentleman from Iowa yield to me now?

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. CANNON. Mr. Speaker, if the House will bear with me for a very few moments, I will conclude this discussion and ask for a vote. In 1898 the gentleman from New York [Mr. ALEXANDER] succeeded in passing through Congress a bill removing the duties upon articles intended for the Buffalo Exposition, in which it was expressly stipulated, and he was held up at that time for that purpose, that the United States does not assume any liability of any kind whatever, and does not become responsible, etc., to anybody. That is the substance of it. There it was born, and it was born under those conditions and under that pledge.

Now, then, in the Fifty-fifth Congress, in 1899, this child that was born had grown, under the tutelage of my genial friend representing the district, into a strong, lusty lad, and it was here all that session. The gentleman from Buffalo, who I honor for representing his constituency, as in all other propositions, was insistent, in season and out of season, by day and by night. In the last days of that session of Congress, the very last day, he succeeded in getting the House to concur with the Senate for \$500,000 for a Government exhibit, away over the ordinary amount for the side shows.

I did not have the honor to vote upon that proposition. I supposed it was "scotched." I would have been glad to have voted against it, but, as a servant of the House, I was performing duties as one of its conferees. I think it would have passed, because my friend from New York is so industrious and so plausible. It did pass, and then came the pledge, and just let me read you a part of it in the gentleman's own words:

We come not asking Congress one dollar for an appropriation to carry on or to pay the expenses of this exposition. We propose to pay that ourselves. We simply want Congress to make it possible for the Government of the United States to put an exhibit of its own there.

Now, on that pledge we sinned again. Now, do you not think you are estopped from coming here again?

Mr. ALEXANDER. Will the gentleman allow me to answer?

Mr. CANNON. No; I have not the time. I will say that the gentleman is estopped.

But, Mr. Speaker, that is not all. A year ago last March the little joker—the exposition and not my friend—comes again. President McKinley was then in full life, and nobody dreamed that he was to be assassinated, and how did he come? It could not get a standing in this House, but in the Senate it was harnessed to the appropriation for St. Louis, for which a law had been passed under the lead of the gentleman from Minnesota. It was harnessed onto that, and as part and parcel of it were two propositions—Buffalo \$500,000 more, and South Carolina a considerable sum, amount not recollected. It was put in as one amendment. There were tears in the voice of my genial friend on that occasion.

The House voted and voted again, and the Senate was compelled to recede, and the amendment was modified, cutting off Buffalo and cutting off South Carolina. The gentleman could not have foreseen when he wanted that \$500,000 that the receipts would fall off, as he claimed, on account of the death of President McKinley. He was turned down and served with notice then that thus far shalt thou go, and no further.

Mr. ALEXANDER. Will the gentleman permit an interruption now?

Mr. CANNON. I can not. I have not the time. The exposition began, and it took something like \$9,000,000 of receipts, or a little less than that. The expenditures were more than the receipts. They owe people \$500,000, but they have taken good care to pay \$2,500,000 of the first-mortgage bonds to their own people. What a court of equity might do, if it were properly brought before it, to pay these expenses before the first-mortgage bonds were paid I do not know; it has never been brought before it.

What next? The gentleman says the President's decease brought disaster. I challenge his statement. I have got it all here. The receipts in September were \$1,167,000; in August, \$1,262,000; in October, \$1,353,000, an increase of receipts in October over September, the month after the President's death, of 16 per cent, in round numbers. The increase of receipts for a similar period at Philadelphia was 9 per cent.

It is a pretense. I am justified in saying that in view of the fact that the gentleman was as strenuously knocking at our doors last March for this \$500,000 as he is now.

Now, let us see how much equity there is in this proposition.

The gentleman from Indiana said that it was well that the constitution of New York prohibits the State of New York from coming to the rescue of Buffalo. Yet, gentlemen, while we have the mere power to vote this amount out of the Treasury to pay these creditors, in good morals and in the performance of our duty can any man rise in his place and say that he believes he performs it when he so votes?

There is no express provision, perhaps, in the Constitution of the United States forbidding an appropriation of this kind. But I am here to say that the fathers who made that Constitution and all the great parties from that time to this would not have been willing to come within a thousand miles of putting into any of their platforms a proposition to pay the debts of failing creditors of a private corporation.

Now, one word in conclusion. Who are these men? I have their names here covering seven pages. Here is an item for a telegraph company, another for a telephone company, another for rent, another for money due to contractors, scattered in various portions of the country, principally in New York, but some in Ohio, some in Illinois. I tell you, gentlemen, if you are going into the business of making contractors whole there are some poor men in my district who took improvident contracts and have never got their money.

Let me go one step further. We know that there is an estimate before this House and a memorial from the laboring men engaged on the Government Printing Office building, proposing that they be paid three or four days' wages because their work was suspended on account of the death of William McKinley. Do you know that there were three or four or five days in a week, on the average, when 80,000,000 people in the aggregate suspended their ordinary occupations because of that tragedy? Who makes good to them the hundreds of millions of loss? Are we going to do it out of the Treasury? In equity they are more entitled to it than these contractors, and telegraph companies, and telephone companies, and lessors—more entitled to relief from the Treasury. Are you going to relieve them? Nay, nay; you are going to turn around and tax them to relieve—whom? Men of full age, men who traded with their eyes open, men who worked for a profit, men who failed to collect their debts in full. I do not believe this is good policy; I do not believe we have any right to do it.

Now, one further word.

Mr. ALEXANDER. Will the gentleman allow me one word?

Mr. CANNON. Oh, I have not the time.

Mr. ALEXANDER. But you interrupted me four or five times. I merely wanted—

Mr. CANNON. Well, be quick.

Mr. ALEXANDER. I merely wanted to remark that the items for rent, restoration of grounds, and other things that you have read here are left out in this amendment of the Senate. It is not the amendment that you think it is.

Mr. CANNON. Then you have too much money appropriated here.

Mr. ALEXANDER. Those items are all left out in the Senate amendment. It contains nothing for rent.

Mr. CANNON. Here are items of rent for private parties. But suppose the gentleman's suggestion is correct; what difference does it make to whom the money goes? You made the venture. You are paid substantially in full on your first-mortgage bonds. You took good care of that.

Now, allow me to say to my good friend—he is a good representative of the great, rich city of Buffalo—there is no district in the United States that gets so much public appropriation or is entitled to so much, but let me say to him that if he will be one-half as industrious in the city of Buffalo for one week in calling together 5,000 of its splendid citizens and presenting this matter to them, they will pay these contractors and others the \$500,000.

Now, gentlemen, one word in conclusion. St. Louis is preparing to hold an exposition. I trust it will be a success. Are we to say to her that if it is not a success we will underwrite the venture? South Carolina, estopped this session of Congress from asking anything more, is here applying for \$160,000 more; another case of underwriting. And on this question of expositions, if we do not call a halt it will run to State fairs and county fairs; the United States will go regularly into the show business; and a little later on we shall be buying some Buffalo Bill Wild West Show! [Laughter and applause.]

Mr. Speaker, there is no time so good to refrain from sinning as the time before you have sinned.

Mr. SIMS. Is it not a fact that the World's Fair at Chicago lost money on account of the death of Carter Harrison, the mayor of that city?

Mr. CANNON. Yes; they lost largely for that and other reasons. Philadelphia lost also on the Centennial Exposition.

Mr. TAWNEY. But Philadelphia paid back every dollar that the Government voted.

Mr. CANNON. Nevertheless, that exposition was a loss as a venture; and for many years they talked about having the Government pay the loss; but the Government never did.

Now, Mr. Speaker, I am ready for a vote on this question, and I will ask this House here and now not to enter upon the wrong road. It will save much trouble and expense if it refuses to so travel. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from New York to recede from amendment No. 8 and to agree to the same.

Mr. CANNON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 120, nays 101, answered "present" 20, not voting 109; as follows:

YEAS—120.

- | | | | |
|----------------|---------------|----------------|-----------------|
| Acheson, | Draper, | Knapp, | Payne, |
| Alexander, | Driscoll, | Kyle, | Perkins, |
| Allen, Me. | Eddy, | Lamb, | Powers, Mo. |
| Aplin, | Emerson, | Lessler, | Pugsley, |
| Ball, Del. | Feeley, | Lewis, Ga. | Randsell, La. |
| Bartholdt, | Finley, | Loudenslager, | Ray, N. Y. |
| Bingham, | Fitzgerald, | Lovering, | Roberts, |
| Bishop, | Fletcher, | McAndrews, | Robinson, Nebr. |
| Blackburn, | Flood, | McCleary, | Ryan, |
| Bowie, | Foster, Ill. | McClellan, | Showalter, |
| Breazeale, | Fowler, | McDermott, | Sibley, |
| Bristow, | Gibson, | McLachlan, | Smith, H. C. |
| Burk, | Gill, | Mahoney, | Southwick, |
| Burke, S. Dak. | Goldfogle, | Martin, | Sparkman, |
| Burleigh, | Greene, Mass. | Maynard, | Sperry, |
| Burnett, | Griffith, | Meyer, La. | Stark, |
| Butler, | Grosvenor, | Mickey, | Stewart, N. Y. |
| Calderhead, | Hall, | Minor, | Storm, |
| Cannon, | Hamilton, | Mondell, | Sulloway, |
| Cassel, | Hanbury, | Moody, N. C. | Sulzer, |
| Conry, | Haskins, | Moody, Oreg. | Tawney, |
| Coombs, | Hedge, | Morgan, | Tirrell, |
| Currier, | Henry, Conn. | Morris, | Tompkins, N. Y. |
| Darragh, | Hildebrandt, | Moss, | Tompkins, Ohio |
| Davey, La. | Howard, | Mudd, | Van Voorhis, |
| Davidson, | Howell, | Naphen, | Vreeland, |
| Davis, Fla. | Jack, | Nevin, | Wachter, |
| Deemer, | Johnson, | Newlands, | Wadsworth, |
| Dick, | Joy, | Ohmsted, | Wilson, |
| Dovener, | Kern, | Patterson, Pa. | Wright. |

NAYS—101.

- | | | | |
|------------|-----------------|------------------|-----------------|
| Allen, Ky. | Esch, | Lacey, | Shafroth, |
| Babcock, | Evans, | Lanham, | Shattuc, |
| Barney, | Fleming, | Lewis, Pa. | Sims, |
| Bartlett, | Foss, | Little, | Slayden, |
| Beidler, | Fox, | Livingston, | Smith, Ill. |
| Bell, | Gaines, Tenn. | Lloyd, | Smith, Iowa |
| Benton, | Gaines, W. Va. | Long, | Snodgrass, |
| Bowersock, | Gardner, Mich. | McCall, | Snook, |
| Brown, | Gillett, Mass. | Marshall, | Southard, |
| Brownlow, | Graff, | Miers, Ind. | Spight, |
| Burkett, | Graham, | Miller, | Steele, |
| Burleson, | Green, Pa. | Moon, | Stephens, Tex. |
| Burton, | Grow, | Needham, | Stewart, N. J. |
| Candler, | Hemenway, | Neville, | Swanson, |
| Capron, | Hepburn, | Otjen, | Tate, |
| Conner, | Hill, | Padgett, | Taylor, Ala. |
| Cowherd, | Holliday, | Palmer, | Thomas, Iowa |
| Cromer, | Hooker, | Pearre, | Warner, |
| Curtis, | Hughes, | Pierce, | Warnock, |
| Cushman, | Jones, Va. | Prince, | Williams, Ill. |
| Dahle, | Jones, Wash. | Randell, Tex. | Williams, Miss. |
| Dalzell, | Kehoe, | Reeder, | Wooten, |
| Dayton, | Kitchin, Wm. W. | Reeves, | Zenor. |
| De Armond, | Kleberg, | Richardson, Ala. | |
| Dinsmore, | Kluttz, | Rixey, | |
| Dougherty, | Knox, | Robinson, Ind. | |

ANSWERED "PRESENT"—20.

- | | | | |
|------------|-------------|--------------|-----------|
| Adamson, | Clark, | Jenkins, | Skiles, |
| Ball, Tex. | Cousins, | Loud, | Thompson, |
| Bankhead, | Foster, Vt. | Mann, | Trimble, |
| Brick, | Hay, | Metcalf, | Wanger, |
| Burgess, | Irwin, | Shackleford, | Wiley. |

NOT VOTING—109.

- | | | | |
|--------------|-----------------|------------------|-------------------|
| Adams, | De Graffenreid, | Ketcham, | Powers, Mass. |
| Bates, | Douglas, | Kitchin, Claude | Reid, |
| Bellamy, | Edwards, | Landis, | Rhea, Va. |
| Belmont, | Elliott, | Lassiter, | Richardson, Tenn. |
| Blakeney, | Foerderer, | Latimer, | Robb, |
| Boreing, | Fordney, | Lawrence, | Robertson, La. |
| Boutell, | Gardner, N. J. | Lester, | Rucker, |
| Brantley, | Gilbert, | Lever, | Rumple, |
| Bromwell, | Gillet, N. Y. | Lindsay, | Ruppert, |
| Broussard, | Glenn, | Littauer, | Russell, |
| Brundidge, | Gooch, | Littlefield, | Scarborough, |
| Bull, | Gordon, | McCulloch, | Schirm, |
| Caldwell, | Griggs, | McLain, | Scott, |
| Cassingham, | Haugen, | McRae, | Selby, |
| Clayton, | Heatwole, | Maddox, | Shallenberger, |
| Cochran, | Henry, Miss. | Mahon, | Shelden, |
| Connell, | Henry, Tex. | Mercer, | Sheppard, |
| Cooney, | Hitt, | Morrell, | Sherman, |
| Cooper, Tex. | Hopkins, | Mutchler, | Small, |
| Cooper, Wis. | Hull, | Norton, | Smith, Ky. |
| Corliss, | Jackson, Kans. | Overstreet, | Smith, S. W. |
| Creamer, | Jackson, Md. | Parker, | Smith, Wm. Alden |
| Crowley, | Jett, | Patterson, Tenn. | Stevens, Minn. |
| Crumpacker, | Kahn, | Pou, | Sutherland, |

- | | | | |
|---------------|------------|----------|-------|
| Talbert, | Tongue, | Weeks, | Young |
| Taylor, Ohio | Underwood, | Wheeler, | |
| Thayer, | Vandiver, | White, | |
| Thomas, N. C. | Watson, | Woods, | |

So the motion was agreed to. The Clerk announced the following pairs:

- For the session:
 Mr. METCALF with Mr. WHEELER.
 Mr. BOREING with Mr. TRIMBLE.
 Mr. YOUNG with Mr. BENTON.
 Mr. BULL with Mr. CROWLEY.
 For the balance of the session:
 Mr. WANGER with Mr. ADAMSON.
 Mr. ADAMS with Mr. RUCKER.
 Mr. STEVENS of Minnesota with Mr. VANDIVER.
 From the 28th to the 30th:
 Mr. BATES with Mr. McRAE.
 Until further notice:
 Mr. RUMPLE with Mr. THOMPSON.
 Mr. MILLER with Mr. THOMAS of North Carolina.
 Mr. FORDNEY with Mr. BURGESS.
 Mr. MANN with Mr. JETT.
 Mr. IRWIN with Mr. GOOCH.
 Mr. JENKINS with Mr. SMITH of Kentucky.
 Mr. HAUGEN with Mr. LEVER.
 Mr. SKILES with Mr. TALBERT.
 Mr. STEELE with Mr. COOPER of Texas.
 Mr. RUSSELL with Mr. ROBERTSON of Louisiana.
 Mr. SHELLEN with Mr. REID.
 Mr. YOUNG with Mr. COONEY.

- For the day:
 Mr. FOERDERER with Mr. RHEA of Virginia.
 Mr. McCLEARY with Mr. MUTCHLER.
 Mr. LAWRENCE with Mr. BALL of Texas.
 Mr. MORRELL with Mr. HENRY of Texas.
 Mr. HULL with Mr. HENRY of Mississippi.
 Mr. HEATWOLE with Mr. DE GRAFFENREID.
 Mr. TONGUE with Mr. SCARBOROUGH.
 Mr. DOUGLAS with Mr. SMALL.
 Mr. FOSTER of Vermont with Mr. POU.
 Mr. TAYLER of Ohio with Mr. GORDON.
 Mr. COUSINS with Mr. COCHRAN.
 Mr. CONNELL with Mr. ELLIOTT.
 Mr. WOODS with Mr. RUPPERT.
 Mr. SHERMAN with Mr. HAY.
 Mr. CORLISS with Mr. GILBERT.
 Mr. LANDIS with Mr. CLARK.
 Mr. BLAKENEY with Mr. SHACKLEFORD.
 Mr. KAHN with Mr. BELMONT.
 Mr. OVERSTREET with Mr. UNDERWOOD.
 Mr. LITTLEFIELD with Mr. RICHARDSON of Tennessee.
 Mr. BROMWELL with Mr. CASSINGHAM.
 Mr. BRICK with Mr. BELLAMY.
 Mr. COOPER of Wisconsin with Mr. BROUSSARD.
 Mr. CRUMPACKER with Mr. BRUNDIDGE.
 Mr. WEEKS with Mr. McLAIN.
 Mr. SUTHERLAND with Mr. WILEY.
 Mr. WM. ALDEN SMITH with Mr. ROBB.
 Mr. SCOTT with Mr. PATTERSON of Tennessee.
 Mr. SCHIRM with Mr. NORTON.
 Mr. MAHON with Mr. LINDSAY.
 Mr. JACKSON of Maryland with Mr. LATIMER.
 Mr. HITT with Mr. MADDOX.
 Mr. GARDNER of New Jersey with Mr. EDWARDS.
 Mr. POWERS of Massachusetts with Mr. CALDWELL.

For the vote:
 Mr. MERCER with Mr. BRANTLEY.
 Mr. HOPKINS with Mr. CREAMER.
 Mr. BOUTELL with Mr. JACKSON of Kansas.
 Mr. LITTAUER with Mr. LESTER.
 Mr. LOUD with Mr. GRIGGS.
 Mr. GILLET of New York with Mr. CLAUDE KITCHIN.
 Mr. WATSON with Mr. SHALLENBERGER.
 Mr. SAMUEL W. SMITH with Mr. CLAYTON.
 Mr. KETCHAM with Mr. BANKHEAD.
 Mr. CLARK. I should like to inquire if the gentleman from Indiana [Mr. LANDIS] voted?
 The SPEAKER. He did not.
 Mr. CLARK. Then I want to vote "present."
 Mr. ADAMS. I should like to ask if the gentleman from Missouri [Mr. RUCKER] voted?
 The SPEAKER. He did not.
 Mr. ADAMS. I should like to vote "present."
 The SPEAKER. The gentleman from Pennsylvania is not recorded at all, and therefore he can not vote.

Mr. CANNON. Mr. Speaker, for parliamentary reasons, I change my vote from "no" to "aye."

The result of the vote was announced as above recorded.

Mr. ALEXANDER and Mr. CANNON rose.

Mr. CANNON. Mr. Speaker—

The SPEAKER. The gentleman from Illinois.

Mr. CANNON. I will say to my friend from South Carolina—

Mr. ALEXANDER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. CANNON. The gentleman can not take me off the floor.

Mr. ALEXANDER. I desire to make the ordinary motion to reconsider, and to lay that motion on the table.

Mr. CANNON. The gentleman has not the floor for that purpose.

The SPEAKER. The Chair is of the opinion that the gentleman from New York has the right to enter that motion now.

Mr. CANNON. He has the right to enter it now—

The SPEAKER. It is a highly privileged motion, and it is customary—

Mr. CANNON. Precisely. It can be entered, but he can not take me off the floor.

The SPEAKER. The gentleman from New York is in control of his amendment. The gentleman from New York moves to reconsider the last vote, and that that motion lie on the table.

Mr. CANNON. Well, but, Mr. Speaker, I submit that while it is a privileged motion, and according to my recollection can be entered at any time within two days as a matter of privilege, yet to have it considered now, before the bill is otherwise disposed of, is to take me off the floor when I am on the floor. Undoubtedly before this matter is concluded we will have the right to have a vote upon that motion; but I have been recognized, and not even a motion to adjourn could take me off the floor.

Mr. ALEXANDER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from New York [Mr. ALEXANDER] addressed the Chair; for what purpose the Chair did not know. The Chair recognized the gentleman from Illinois to go on with his bill, but the Chair asked the gentleman from New York for what purpose he rose, and then it was discovered that he was in time. He was the first one to address the Chair. The Chair regards the motion as a highly privileged one and believes it to be his duty to submit it to the House.

Mr. CANNON. And that, too, without regard to the fact that I have been recognized?

The SPEAKER. The Chair recognized the gentleman from Illinois, but the gentleman from New York was first on his feet addressing the Chair, and under the custom of the House to allow this motion to be made, the Chair thinks he should have recognized the gentleman from New York at the time, and did so as soon as he knew that the gentleman from New York was making this highly privileged motion.

Mr. CANNON. Mr. Speaker, I changed my vote for a parliamentary reason. I wanted to see whether or not New York would keep faith with Charleston, and I will ask the House to give me a yea-and-nay vote after this is disposed of.

The SPEAKER. The gentleman from New York moves to reconsider the last vote, and that that motion lie upon the table. Is there objection?

Mr. CANNON rose.

The SPEAKER. Does the gentleman from Illinois object?

Mr. CANNON. I will object, and let it be taken by a vote. I apprehend the same people will vote the same way.

The question being taken on the motion to lay on the table the motion to reconsider the last vote, it was agreed to.

The SPEAKER. The question now is on amendment No. 9, which the Clerk will report to the House.

The Clerk read as follows:

South Carolina Interstate and West Indian Exposition: For the payment of legal claims against the South Carolina Interstate and West Indian Exposition Company for labor, articles, and services rendered to said company for the work of said exposition, or for the reimbursement of any officer of said company who has advanced money or paid such claims, \$160,000, or so much thereof as may be necessary.

Mr. FINLEY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from South Carolina rise?

Mr. FINLEY. I rise to move that the House recede from its disagreement to Senate amendment No. 9, and agree to the same.

The SPEAKER. That is the preferential motion. The gentleman from South Carolina moves that the House recede from its disagreement to amendment numbered 9, and agree to the same.

Mr. CANNON. Now, Mr. Speaker, I will say to the gentleman from South Carolina, if I can have a yea-and-nay vote, and I will ask one-fifth of the members to stand by me for that pur-

pose, I am ready for a vote without any discussion, if that is satisfactory to the gentleman.

Mr. FINLEY. I would like ten minutes on this.

The SPEAKER. Does the gentleman yield ten minutes to the gentleman from South Carolina?

Mr. FINLEY. Well, I will say to the gentleman from Illinois this is a matter of importance to my people in South Carolina, and when it comes up, if I were to say nothing—

Mr. CANNON. Well, if the gentleman had his trade as well made as I thought probably he had—

The SPEAKER. The Chair thinks the remark of the gentleman from Illinois is not in order.

Mr. CANNON. Well, out of courtesy to the gentleman I will yield him five minutes, and I would suggest to the gentleman that he come over nearer so that we can hear him.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. FINLEY. Mr. Speaker, I have listened very attentively to the discussion in reference to the appropriation for the Buffalo Exposition. I have endeavored in that time to collate in my mind the arguments made in so far as they would apply to South Carolina. I take it, judging from the remark of the gentleman from Indiana, it is alleged that there is no contract on the part of the Government, that the exposition is over, and the undertaking a financial failure.

The only grounds upon which an appropriation for an exposition can be based is under the general-welfare clause of the Constitution; and I go further than that, Mr. Speaker, and say that when you plant a proposition upon this provision of the Constitution it makes no difference whether the benefit arising is before the appropriation is made or afterwards. The appropriation can just as well be made after the work has been done, after the exposition has been held, as before. It is not our fault that the appropriation was not made during the Fifty-sixth Congress, when an effort was made to secure appropriations for Charleston and Buffalo. I supported both. Now, I wish to say that if this was the first time that matters like this had been brought here I would be against it.

Mr. TAWNEY. Will the gentleman yield to me for one question?

Mr. FINLEY. Certainly.

Mr. TAWNEY. Is it not a fact that a large part of this appropriation, if made, goes to an officer of the exposition of this company who has assumed debts of that company?

Mr. FINLEY. I will say this to the gentleman, that every dollar that is provided here will go to pay for labor and material and for services rendered for the purposes of the Charleston Exposition.

Mr. TAWNEY. What is the object of this language here—"or for the reimbursement of any officer of said company who has advanced money or paid such claims, \$160,000?"

Mr. FINLEY. Wherever such an advance has been made, the party making those advances stands for the contractors or laborers. Now, Mr. Speaker, more than forty times Congress has made appropriations like this. It will be urged, and it has been urged, that Charleston received \$90,000. But that was only for the Government exhibit. Not a dollar was appropriated to pay for the building in which that Government exhibit was placed, except that of the Fish Commission, possibly. The building in which the Government exhibit was placed at Charleston was provided by the exposition company and paid for by that company, and part of the money that is sought to be appropriated here goes for the purpose of helping pay for that building. So, Mr. Speaker, the facts are stated in this amendment:

For labor, articles, and services rendered to said company for the work of said exposition, or for the reimbursement of any officer of said company who has advanced money or paid such claims.

Now, when this exposition first started the people of South Carolina understood and believed that they would be treated with the same measure of consideration that all other expositions had been treated by the Congress of the United States. They believed that Congress would not hesitate to appropriate the \$250,000 asked for. Congress did not give the appropriation, but the progress of the work had advanced to such an extent that arrangements had been made, plans had been laid, and the people having control of the exposition were compelled to go on; and now, to-day, they stand the losers to the extent that they did not get the \$250,000; and I most emphatically say that if this appropriation is not carried that it will be a discrimination against Charleston and the State of South Carolina. The exposition which was held there and participated in by many of the States, and by the Hawaiians and Cubans as well, will compare favorably with any previous exposition held in this country.

I may say, Mr. Speaker, that any provision that would safeguard this appropriation would be welcomed by myself and my colleague [Mr. JOHNSON]. I will insert in my remarks a state-

ment taken in part from Senate Report No. 2382, Fifty-sixth Congress, second session:

Aid or loans to expositions and expenses of Government exhibits.

Centennial Exposition, Philadelphia, 1876 (repaid to United States in 1877)	\$1,500,000.00
Government exhibit	578,500.00
New Orleans Exposition, 1884	1,350,000.00
Government exhibit	300,000.00
Cincinnati Industrial Exposition, 1884: Government exhibit	10,000.00
Louisville Southern Exposition, 1884: Government exhibit	10,000.00
Atlanta Exposition, 1895: Government exhibit and building	200,000.00
Nashville, Tenn., Exposition, 1897: Government exhibit and building	130,000.00
Omaha Trans-Mississippi Exposition, 1898: Government exhibit and building	200,000.00
Philadelphia Exposition of American Products, etc.	350,000.00
Toledo Centennial Exposition	500,000.00
Pan-American Exposition (Buffalo, N. Y.)	500,000.00
Total	5,628,500.00
Appropriations for World's Columbian Exposition	5,381,835.57
Total	11,010,335.57
Louisiana Purchase Exposition	5,000,000.00
For buildings, etc., Louisiana Purchase Exposition	250,000.00
Total	16,260,335.57

Mr. CANNON. Mr. Speaker, I will take two minutes and then ask for a vote. When I was a boy, more years ago than I like to acknowledge, and when the old Democratic party was in the saddle under the leadership of its great men, its Calhouns and others, I heard much talk about State rights. I believe in State rights, but not State rights gone mad. [Laughter.] Years have passed by. I recollect the criticisms that were made upon Congressional action away back there. I heard people talk about the cohesive power of public plunder. I expect some others of you have heard that.

Times have somewhat changed, but I have lived to see the State that John C. Calhoun represented, advocate for the strict construction of the Constitution, come in and strike hands with the Empire State, and give sufficient aid and comfort for a solid vote to the Representatives of the Empire State to pass this proposition that was passed a few moments ago.

Well, I want to say here and now, that I am against both propositions. I was against the New York case with what little voice and vote I had. I am equally against this. But what is the Constitution—as another eminent son of New York, who is now out of Congress, said—“what is the Constitution betwixt friends?” [Laughter.]

If you take Buffalo—great, powerful, rich, strong—this proposition in God's chancery from Buffalo has not as much courage as the proposition that comes from Charleston, S. C., which is a small city, weak as compared with Buffalo and New York, and poor as compared to it in riches. I am against both propositions, but I want to state the facts about it.

I made a motion to reconsider and changed my vote for that purpose, with the idea that if this Charleston matter was voted down, I would make a motion to reconsider the vote with reference to the Buffalo proposition; but my golden-haired friend from New York was not to be caught by any such chaff. [Laughter.] He is an early bird, and the Speaker ruled it to be privileged. I am not quarreling with him or the Speaker.

Now, you can vote Charleston up or down, as far as I am concerned; I am going to vote against it. Two wrongs do not make a right, but I want the yeas and nays, and if there is one-fifth of those who will give them to me, we will let New York show up for Charleston as Charleston has shown up for New York. [Laughter.]

The SPEAKER. The question is on the motion of the gentleman from South Carolina [Mr. FINLEY], to recede and concur, and on that question the gentleman from Illinois asks for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 71, nays 119, answering “present” 14, not voting 146; as follows:

YEAS—71.

Alexander,	Feely,	Loudenslager,	Ryan,
Aplin,	Finley,	McAndrews,	Shattuc,
Ball, Del.	Fitzgerald,	McClellan,	Showalter,
Bingham,	Flood,	McDermott,	Sibley,
Blackburn,	Gibson,	McLachlan,	Smith, H. C.
Bowie,	Glenn,	Mahoney,	Southwick,
Brownlow,	Goldfogle,	Metcalf,	Sparkman,
Burleigh,	Griffith,	Meyer, La.	Stewart, N. Y.
Burnett,	Grosvenor,	Mondell,	Suloway,
Cassel,	Hanbury,	Moody, N. C.	Sulzer,
Cassingham,	Haskins,	Moody, Oreg.	Taylor, Ala.
Conry,	Henry, Conn.	Mitchler,	Tompkins, N. Y.
Currier,	Howard,	Nevin,	Tompkins, Ohio
Davey, La.	Johnson,	Newlands,	Vreeland,
Davidson,	Knapp,	Olmsted,	Wachter,
Dick,	Lamb,	Powers, Me.	Wiley,
Dougherty,	Landis,	Ransdell, La.	Wilson.
Driscoll,	Lessler,	Ray, N. Y.	

NAYS—119.

Allen, Ky.	Draper,	Knox,	Richardson, Ala.
Barney,	Esch,	Kyle,	Rixey,
Bartholdt,	Fleming,	Lacey,	Robinson, Ind.
Bartlett,	Foss,	Lanham,	Sims,
Beidler,	Fowler,	Lewis, Pa.	Slayden,
Bell,	Fox,	Little,	Smith, Ill.
Benton,	Gaines, Tenn.	Livingston,	Smith, Iowa
Blakeney,	Gaines, W. Va.	Lloyd,	Smith, S. W.
Bromwell,	Gardner, Mich.	Long,	Snodgrass,
Brown,	Gillett, Mass.	McCall,	Snook,
Brundidge,	Graff,	Marshall,	Southard,
Burke, S. Dak.	Graham,	Martin,	Spight,
Burkett,	Green, Pa.	Maynard,	Steele,
Burlesor,	Grow,	Miers, Ind.	Stephens, Tex.
Burton,	Hamilton,	Moore,	Stewart, N. J.
Butler,	Hedge,	Needham,	Storm,
Candler,	Hemenway,	Neville,	Sutherland,
Cannon,	Hepburn,	Overstreet,	Swanson,
Capron,	Hill,	Padgett,	Tate,
Clayton,	Holliday,	Parker,	Tawney,
Conner,	Hooker,	Pearre,	Thomas, Iowa
Coombs,	Hopkins,	Perkins,	Tirrell,
Crumpacker,	Hughes,	Pierce,	Van Voorhis,
Cushman,	Jackson, Md.	Prince,	Warner,
Dahle,	Jones, Wash.	Randall, Tex.	Warnock,
Dalzell,	Joy,	Reeder,	Watson,
Darragh,	Kehoe,	Reeves,	Williams, Ill.
Dayton,	Kitchin, Wm. W.		Wooten,
De Armond,	Kleberg,		Zenor.
Dinsmore,	Kluttz,		

ANSWERED “PRESENT”—14.

Adams,	Emerson,	Mercer,	Trimble,
Adamson,	Hay,	Pou,	Wanger.
Ball, Tex.	Jenkins,	Skiles,	
Brick,	Mann,	Thompson,	

NOT VOTING—146.

Acheson,	Dovener,	Latimer,	Rucker,
Allen, Me.	Eddy,	Lawrence,	Rumple,
Babcock,	Edwards,	Lester,	Ruppert,
Bankhead,	Elliott,	Lever,	Russell,
Bates,	Evans,	Lewis, Ga.	Scarborough,
Bellamy,	Fletcher,	Lindsay,	Schirm,
Belmont,	Foerderer,	Littauer,	Scott,
Bishop,	Fordney,	Littlefield,	Selby,
Boreing,	Foster, Ill.	Loud,	Shackleford,
Boutell,	Foster, Vt.	Lovering,	Shafroth,
Bowersock,	Gardner, N. J.	McCleary,	Shallenberger,
Brantley,	Gilbert,	McCulloch,	Shelden,
Breazeale,	Gill,	McLain,	Sheppard,
Bristow,	Gillet, N. Y.	McRae,	Sherman,
Broussard,	Gooch,	Maddox,	Small,
Bull,	Gordon,	Mickey,	Smith, Ky.
Burgess,	Greene, Mass.	Miller,	Smith, Wm. Alden
Burk, Pa.	Griggs,	Minor,	Sperry,
Calderhead,	Hall,	Morgan,	Stark,
Caldwell,	Haugen,	Morrill,	Stevens, Minn.
Clark,	Heatwole,	Morris,	Talbert,
Cochran,	Henry, Miss.	Moss,	Taylor, Ohio
Connell,	Henry, Tex.	Mudd,	Thayer,
Cooney,	Hildebrandt,	Napben,	Thomas, N. C.
Cooper, Tex.	Hitt,	Norton,	Tongue,
Cooper, Wis.	Howell,	Palmer,	Underwood,
Corfiss,	Hull,	Patterson, Pa.	Vandiver,
Cousins,	Irwin,	Patterson, Tenn.	Wadsworth,
Cowherd,	Jack,	Powers, Mass.	Weeks,
Creamer,	Jackson, Kans.	Pugsley,	Wheeler,
Cromer,	Jett,	Rhea, Va.	White,
Crowley,	Jones, Va.	Richardson, Tenn.	Williams, Miss.
Curtis,	Kahn,	Robb,	Woods,
Davis, Fla.	Kern,	Roberts,	Wright,
De Graffenreid,	Ketcham,	Robertson, La.	Young.
Deemer,	Kitchin, Claude	Robinson, Nebr.	
Douglas,	Lassiter,		

So the motion of Mr. FINLEY was rejected.

The following additional pairs were announced:

For the session:

Mr. WRIGHT with Mr. HALL.

For this day:

Mr. CROMER with Mr. COOPER of Texas.

On this vote:

Mr. ROBERTS with Mr. THAYER.

Mr. PATTERSON of Pennsylvania with Mr. SHAFROTH.

Mr. MORRIS with Mr. SELBY.

Mr. HOWELL with Mr. PADGETT.

Mr. BABCOCK with Mr. NAPHEN.

Mr. MINOR with Mr. McCULLOCH.

Mr. WADSWORTH with Mr. LASSITER.

Mr. JACK with Mr. KERN.

Mr. BISHOP with Mr. ROBINSON of Nebraska.

Mr. BURK of Pennsylvania with Mr. WILLIAMS of Mississippi.

Mr. CALDERHEAD with Mr. COWHERD.

Mr. GILL with Mr. PUGSLEY.

Mr. CURTIS with Mr. DAVIS of Florida.

Mr. EVANS with Mr. JONES of Virginia.

Mr. HILDEBRANT with Mr. LEWIS of Georgia.

Mr. ALLEN of Maine with Mr. BOWERSOCK.

Mr. DOVENER with Mr. ACHESON.

Mr. MUDD with Mr. STARK.

Mr. BOUTELL with Mr. JACKSON of Kansas.

Mr. LOUD with Mr. GRIGGS.

Mr. LITTAUER with Mr. LESTER.
Mr. MERCER with Mr. BRANTLEY.
Mr. KETCHAM with Mr. BANKHEAD.

Until further notice:

Mr. GILLET of New York with Mr. CLAUDE KITCHIN.

The result of the vote was announced as above stated.

The SPEAKER. The next question in order is on amendment No. 26. But if there is no objection the Chair, before proceeding further with these amendments, will recognize the gentleman from Missouri [Mr. JOY], the acting chairman of the Committee on Accounts, who wishes to submit an urgent matter. The Chair hears no objection.

TEMPORARY BICYCLE MESSENGERS.

Mr. JOY. I desire to present, by unanimous consent, a resolution which has been referred to the Committee on Accounts, but which has not been considered by that committee. As acting chairman, I submit it.

The resolution was read, as follows:

Resolved, That the Clerk of the House of Representatives be authorized and empowered to employ during the remainder of this session of Congress three bicycle messengers, for day and night service between the enrolling room of the Clerk's office and the Government Printing Office, to be paid out of the contingent fund of the House of Representatives, at \$5 per day.

Mr. RICHARDSON of Tennessee. As I understand, these temporary messengers are provided for only the balance of this session.

Mr. JOY. That is all.

The resolution was adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House was requested:

S. 6196. An act to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8586) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898."

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 14234. An act granting a pension to John Williamson;

H. R. 13875. An act authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona;

H. R. 10321. An act granting an increase of pension to Susan A. Phelps; and

H. R. 2494. An act for allowance of certain claims reported by the accounting officers of the United States Treasury Department.

DEFICIENCY APPROPRIATION BILL.

Mr. MONDELL. I move that the House recede from its disagreement to the amendment of the Senate No. 26, and agree to the same.

Mr. CANNON. I think the amendment ought to be read.

The Clerk read as follows:

Territory of Hawaii: To pay in part the awards rendered under an act of the legislative assembly of the Territory of Hawaii by the fire claims commission of that Territory for property destroyed in the suppression of the bubonic plague in said Territory in the years 1899 and 1900, \$1,000,000. And the governor and secretary of said Territory are hereby authorized to issue the bonds of that Territory in such sum, not exceeding \$500,000, as, together with the money hereby appropriated, may be sufficient to pay all of said awards. Said bonds shall be payable in gold coin of the United States of America of the present standard weight and fineness, shall bear interest at the rate of 4 per cent per annum, payable semiannually, and be redeemable in not less than five years and payable in not more than fifteen years from the date of issuance.

The principal and interest of all bonds shall be exempt from any and all taxes, and the payment thereof shall constitute a charge on the revenues of the Territory of Hawaii. Said bonds shall be sold at not less than their face value, and the proceeds thereof shall be applied to the payment of the awards aforesaid and to no other purpose, and they shall be of such form and denominations and be issued and sold under such rules and regulations as the Secretary of the Interior shall prescribe. Under no circumstances shall any claimant, or anyone claiming through him, be required to pay, nor shall any attorney or agent be entitled to charge, demand, or receive, directly, or indirectly, more than 10 per cent upon the amount recovered as compensation for services or labor of any kind or character in the prosecution or establishment of the claim, and in cases of contracts or agreements providing for payment of less than 10 per cent the payment shall not be increased above the percentage so agreed upon.

Before any such award shall be paid hereunder, the governor of said Territory must certify that the same is genuine and was duly rendered in pursuance of the act of the legislative assembly of the Territory; and the payment of said awards shall be in full satisfaction and discharge of any and all claims or demands against said Territory or the United States on account of any property destroyed in the said suppression of the bubonic plague.

The SPEAKER. The Chair recognizes the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I yield fifteen minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I want to say that this is an exceedingly important matter, affecting the welfare of the youngest and fairest daughter of our Republic—a group of islands that came to us at the beginning of the Spanish war of their own free will. They relinquished sovereignty and became a Territory of the United States. They have at present no representative on this floor, the delegate from that Territory being absent, and, I understand, ill. In the utterance of the few words which I wish to say in behalf of Hawaii in this matter I hope to have the attention of the House.

On the 7th of July, 1898, by the passage of a joint resolution of Congress, in conformity with the action of the Hawaiian Government, Hawaii became a part of the territory of the United States. One of the provisions of that resolution was as follows:

Until Congress shall provide for the government of such islands all the civil, judicial, and military powers exercised by the officers of the existing Government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

After the passage of this resolution all of the civil, military, and judicial authority exercised in Hawaii was exercised under and by virtue of that resolution, by and through the President of the United States; and every officer of Hawaii was a Federal officer; and every act of every Federal officer of the Territory of Hawaii was an act of the Executive of the United States.

On the 12th of December, 1899, following the resolution of annexation, the bubonic plague broke out with great violence in Honolulu, the capital of the islands. It was exceedingly important, not only for Hawaii but for the United States as well, that this epidemic be stamped out at once; that it be eradicated so that it should gain no foothold on Hawaiian soil and thus be a source of constant menace to the mainland.

In view of that fact, the authorities of Hawaii proceeded to carry out the most drastic measures for the purpose of stamping out the plague. As rapidly as a case was discovered the premises were fumigated, if possible. But owing to the fact that the premises occupied by those who were stricken with the plague were largely of such a character as to make it impossible to fumigate them and purify them it became necessary to destroy them by fire.

The regularly constituted authorities of the Territory, acting in accordance with a suggestion of the officer of the Marine-Hospital Service there, proceeded, after due appraisal by several of the leading builders and business men of the city, to destroy the infected property. This continued for a very considerable length of time, the most careful appraisal being had of all the property so destroyed. The work continued for nearly four months. During this time it became necessary to destroy a vast amount of property, both buildings and merchandise and personal effects.

It became necessary to place in quarantine camps over 8,000 people and to maintain them for months. The result was that the Hawaiian government expended over \$807,000 for the suppression of the plague. This practically exhausted every dollar of cash in the Territorial treasury. After the suppression of the plague, at the suggestion of the President, by act of the Hawaiian legislature, a commission was appointed for the purpose of adjudicating the fire losses. This commission was composed of well known, competent, and trustworthy citizens of the Territory.

In the due course of time it concluded its labors and made awards amounting to \$1,473,173, the claims amounting to \$3,174,289.90. There were 6,748 claimants, mostly people in humble circumstances, the average claim amounting to less than \$217. Over 12,000 people are interested in the payment of these claims, and so the matter now stands. The board having adjudicated the claims according to law, as suggested by the President, Hawaii finds herself unable to pay them.

At the time the resolution of annexation was passed Hawaii was receiving about \$1,300,000 annually from customs duties, post-office receipts, internal-revenue taxes, and a merchandise or occupation tax, since declared unconstitutional by the Supreme Court of the United States. When the Territory first assumed responsibility for these losses, when the President first directed these methods for the eradication of the plague, Hawaii was receiving this large income. Soon thereafter, by the passage of the enabling act, Hawaii was deprived of these sources of revenue, and since that time there has been paid into the Treasury of the United States, net, above all the cost of collection, nearly \$2,500,000, which but for the passage of the enabling act Hawaii would have had with which to meet these losses.

She now finds herself confronted with the payment of one million and a half of fire claims, practically, without any source of

revenue from which to make the payment. The Government has received from her, as I have said, in the period since these losses were sustained, practically two and a half millions of dollars above all cost of collection. The expenditures were made at a time when Hawaii was not a Territory of the United States, but was territory belonging to the United States, when her officers were acting under the direction of the President of the United States, when every act of those officers was the act of the President of the United States, the act of the Government of the United States.

Now, in an effort to meet her current expenses since deprived of her customs revenue, internal revenue, and other revenue, Hawaii has increased her rate of taxation, has passed an income tax of 2 per cent on all incomes above \$1,000, has made every effort to meet her current expenses, and yet her current revenues fail to meet her present outlay, and there is at present, I understand, a deficit of nearly \$400,000 in the finances of the Territory.

Mr. GAINES of Tennessee. Mr. Speaker, can the gentleman inform me how long this plague will continue to visit these islands, and how much per year will be the expenditure he has just described; in other words, how long will this possible expense hang over the Treasury of the United States?

Mr. MONDELL. I will say to the gentleman that the plague lasted four months. It never before visited Hawaii. It is not likely to ever visit Hawaii again. Hawaii is now a full-fledged Territory, and should the plague visit Hawaii in the future, it will depend entirely upon the Hawaiian authorities to suppress it and suppress it at their own expense. The peculiar political conditions existing at the time this debt was contracted were such as to make it, in my opinion, an obligation of the Government of the United States.

Let us remember, gentlemen, that our transports were passing back and forth between San Francisco and the Philippines at that time every few days, and shiploads of our soldiers arrived at the port of Honolulu frequently, and it became necessary to use even more drastic measures than would have been necessary for the protection of the islands themselves in order to protect the soldiers going to the Philippines and the soldiers returning, in order that by no possibility should the plague ever get a foothold on the mainland of the United States.

Mr. GAINES of Tennessee. Did the soldiers bring the plague there?

Mr. MONDELL. It is not known how the plague reached there. The supposition is that the plague came there in goods from the Orient, but just how it is impossible, of course, for any finite mind to know.

Mr. GAINES of Tennessee. The plague is a regular visitor in the Philippine Islands, and if we set an example of this kind now I do not see how we can get out of it in the future.

Mr. MONDELL. I want to call the gentleman's attention to the peculiar political condition of Hawaii at this time. I call attention to the fact that if Hawaii had remained in the political condition in which she was at the time the plague occurred and these expenses were incurred, she would have paid off all this indebtedness and still have had a million dollars in her treasury, instead of a deficit. After having obligated Hawaii to the extent of a million and a half of dollars for fire losses, and an expense of \$800,000 for quarantine at a time when her revenues were sufficient to meet these expenses, since that time we have passed an enabling act and taken \$2,500,000 net from those islands and placed the money in the Treasury of the United States.

Mr. GAINES of Tennessee. How much have we paid out?

Mr. MONDELL. That is the net revenue after all expenses of collection.

Mr. GAINES of Tennessee. It goes into what treasury?

Mr. MONDELL. Into the Treasury of the United States—internal-revenue taxes, postal receipts—

Mr. GAINES of Tennessee. How much is this claim that you are talking about? I regret that I did not hear you state it.

Mr. MONDELL. Mr. Speaker, the fire losses amounted to \$1,478,000, in round numbers.

Mr. GAINES of Tennessee. What did they burn up?

Mr. MONDELL. They burned up buildings and personal property, which it became necessary to destroy in order to suppress the plague. It is proposed by the Senate amendment that the Federal Government shall pay of these losses \$1,000,000; that Hawaii shall be authorized to issue 4 per cent gold bonds for the payment of the balance. If this amendment is adopted by the House, the total expense to Hawaii for the suppression of the plague will have been, in round numbers, \$1,300,000, and the expense to the National Treasury will be \$1,000,000.

In view of the peculiar condition existing at that time; in view of the status of Hawaii at that time; in view of the fact that the Federal officers encouraged this destruction, that they recommended the appointment of a commission; in view of the fact that the loss is so great that Hawaii can by no possibility pay it,

that she is not able at this time, even with a high rate of taxation and an income tax to meet her current expenses; in view of the fact that if the plague had not been stamped out it would no doubt have spread to the mainland and cost many lives and great expense for its suppression, it seems to me that it is not only just and equitable that this provision be adopted, but further, that in a certain sense there is a legal claim upon the Government of the United States for the payment not only of part but of all of this claim.

Mr. GAINES of Tennessee. Is the gentleman certain that this revenue from the Hawaiian Islands was paid into the Treasury of the United States?

Mr. MONDELL. I am certain that the customs revenues of Hawaii and the internal-revenue and postal receipts of Hawaii all go into the Treasury of the United States.

Mr. GAINES of Tennessee. Then how are the officers over there paid?

Mr. MONDELL. What officers does the gentleman refer to?

Mr. GAINES of Tennessee. Judges and other officers.

Mr. MONDELL. They are paid out of the Territorial revenues.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. I yield to the gentleman five minutes more.

Mr. MONDELL. I yield to the gentleman from Maine [Mr. POWERS] five minutes.

Mr. POWERS of Maine. Mr. Speaker, I will trespass but a few moments upon the time of the House. The Hawaiian Islands are a great way off. The 6,000 or more poor persons who are interested in this matter because their little property has been destroyed are virtually without a representative here on the floor. Sickness or something else prevents him from being here. Besides, he is not familiar with our methods and language. I believe that this claim is much more meritorious, and I think that the gentleman from Illinois [Mr. CANNON] will concede that it is much more meritorious, than either of those that have been already insisted upon, and especially is this true as to the one that has been agreed to.

Now, what are the facts? At the time this plague broke out we were governing those islands under a special act of Congress conferring the power to do so upon the President. The board of health and our consul-general—for I have talked with them—took charge of the matter. They ordered these buildings burned. In destroying these buildings to stamp out this plague the fire got away from them and burned some other portions of the city, including one church, at least. This matter has been fully investigated by the Committee on Pacific Islands and Porto Rico of the Senate, and there has been a unanimous report by that committee that these claims should be paid. It appears that the United States officials by using drastic measures succeeded in stamping out the plague in four months' time.

It also appears that Hawaii expended between eight and nine hundred thousand dollars for that purpose. It is also true that there was a commission appointed to ascertain the value of the property that had been burned and that claims to the amount of nearly \$4,000,000 were presented before it for adjudication. At that time there appeared before the commissioners contesting these claims the attorney for the Hawaiian Islands, and after a careful hearing and patient investigation, this commission, having been recommended by the President, found due something more than \$1,400,000.

Mr. GAINES of Tennessee. Who were the commissioners?

Mr. POWERS of Maine. They were leading citizens whose names I can not now give, but they are in this report. This matter was submitted to the Senate Committee on Pacific Islands and Porto Rico, and here is this voluminous record of the evidence taken by them. The Committee on Pacific Islands of the Senate, through Senator FORAKER, unanimously recommended the payment of this claim as a just one. I have no personal interest in this matter, but I have, at the request of two or three persons from those islands, who, I think, have no special interest in this claim, examined it somewhat, and I have come to the conclusion that it is just and right that something should be done by Congress to pay those people for property destroyed after we acquired the islands and before we established a Territorial government there.

The right to burn and destroy the houses under the circumstances and the necessity or propriety of so doing is not questioned.

Our duty to pay at least in part for that property we can not in justice deny, and a great country like ours should not seek to avoid.

I grant that certain steps have not been taken before some committee of this House that perhaps under the rules should have been. But, as we all know, claims are allowed and paid every Congress that have not half the merit or had near the investigation these have, as these have behind them the unanimous report of a committee of the Senate.

We have taken the revenues from those islands, and have put them in the Treasury of the United States. Those islands are netting us some \$2,000,000. Means which formerly they would have had to pay they have not now. They have increased their taxation in order to do something toward paying these claims. Let me for a moment read the findings, the unanimous findings of the committee of the Senate upon this subject. I will read a very few words from it. It says:

The board of health practically took charge of the city of Honolulu, divided it into districts, put them all under inspection, and the inhabitants under quarantine.

The board was appointed from Washington. It was put in control of the situation.

The report further states:

It also found it necessary to destroy large districts of dwellings and business houses.

Then it says:

In view of this condition of the Territorial treasury, and in view of the fact that since the act of Congress of April 30, 1900, providing for a Territorial government for Hawaii went into effect, all tariff duties and internal-revenue taxes collected in Hawaii which were previously a part of the revenue for the support of the government of the Hawaiian Islands have been paid into the Treasury of the United States, amounting to the net sum, after deducting all costs of collection, of \$2,299,632.47.

Then, it further says:

The committee were unanimously of the opinion that the measures resorted to for the suppression of the plague were necessary; that the authorities of Honolulu and the Hawaiian government did all that prudent men could be expected to do, under such circumstances, to avoid incurring unnecessary expense and injury to property and yet properly protect the health of the community.

The SPEAKER. The time of the gentleman has expired.

Mr. POWERS of Maine. Can not you yield me another minute?

Mr. CANNON. I will yield the gentleman another minute.

Mr. POWERS of Maine. This destruction of property was done under the direction of the Commission having the matter in charge and representing the sovereign power of this country. We have taken away from them the revenues from which they could have paid. There are 6,000 poor people interested in this matter. They have in fact no delegate here to represent them and to urge the justice of these claims.

Mr. GAINES of Tennessee. How long do you think it would be before there would be a claim for another million?

Mr. POWERS of Maine. If the bubonic plague should break out there or elsewhere in our country every single citizen would see that it was stamped out, no matter what the expense. We would not weigh dollars in the scales against the eradicating of it. I have already said that I have no interest in this matter except my desire to see justice done at the request of certain gentlemen from those islands. I have tried during the few moments allowed to me to present the facts and the merits of this claim to the House, as the facts and merits have been unanimously found by the Committee of the Senate, as their report accompanying the printed evidence shows. [Applause.]

Mr. CANNON. I yield two minutes to the gentleman from New York.

Mr. SULZER. Mr. Speaker, just a few words. I simply want to say in relation to this appropriation that when the bubonic plague broke out in the Hawaiian Islands if it had not been promptly met and stamped out then and there, if it ever got into this country, it would not only have cost us a million dollars, but it would have cost the United States thousands and thousands of lives—men, women, and children—and several millions of dollars in the destruction of property.

This Government was equal to the emergency and met that plague at the border line. It was stamped out there and then by the burning of property, by destroying property, property that belonged to and was owned by people in the Hawaiian Islands, and it is incumbent, it seems to me, as a legal proposition that this Government, which ordered this destruction, should pay for this property. If we fail now, gentlemen, to meet this question in a broad way and a liberal spirit consistent with the dignity and the honor of the United States, then in the future when property has to be destroyed to stop the march of plague or pestilence, there may be trouble. We owe this money and we should pay it. It is honest, and I trust the motion will prevail and the amendment be adopted.

The SPEAKER. The time of the gentleman has expired.

Mr. ROBINSON of Indiana. I would like the gentleman to yield to me, that I may ask unanimous consent to extend in the RECORD remarks on immigration and labor.

The SPEAKER. The gentleman asks unanimous consent to extend in the RECORD his remarks on immigration and labor. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. I yield now to the gentleman from Connecticut.

Mr. HILL. Mr. Speaker, we have paid out three millions for the purchase of arms and to secure peace in Cuba. We have paid \$750,000 to Porto Rico for relief from a calamitous hurricane; we

have paid \$100,000, or, I believe, \$200,000 were given as a mere matter of charity to the sufferers of Martinique to relieve them from distress. Here in Hawaii, when our troops were going backward and forward, when in all human probability from the communication of these ships with the Orient and Hawaii the bubonic plague was introduced, the Americans of that island, with the energy and determination which always characterizes Americans, stepped in and asked no relief or assistance in securing us from having the plague brought to our shores.

It seems to me the least we can do, gentlemen, is to divide this expense with the Territory of Hawaii. And when they come to us and say they will pay half of the \$2,000,000 of money expended to protect us as well as themselves, we ought to pay it, and pay it without grumbling and pay it cheerfully; for, as the gentleman from New York very truly says, if the plague had come to the United States it would have cost us far more, in addition to the many lives that would have been sacrificed; and therefore I hope and believe that the committee of conference will at least meet the Senate halfway and agree that seven hundred and fifty thousand of this shall come from the revenues of the Territory and seven hundred and fifty from the revenues of the United States, if nothing else.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading Clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the Senate was requested:

S. 6286. An act prohibiting the killing or taking of seals, porpoises, whales, or marine animals, or fish of any kind in the waters of the United States by means of explosive materials, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 367. An act for the relief of Agnes A. McPhee; and

H. R. 12977. An act granting an increase of pension to William L. Church.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, if I can have the attention of the committee, I will be very brief and ask for a vote. I first want to say what this amendment is. It is to pay from the Treasury of the United States \$1,000,000 as a relief to Hawaii, part of the amount that was expended in stamping out the bubonic plague. It authorizes the issue of half a million dollars of bonds by Hawaii—of her own bonds—to pay the balance. It cost a million and a half dollars to stamp out this plague.

Mr. MONDELL. Will the gentleman allow an interruption?

Mr. CANNON. Yes.

Mr. MONDELL. The gentleman knows that the Hawaiian government paid \$807,000 in stamping it out.

Mr. CANNON. So be it; she had it in the treasury to pay. Now, then, the next clause is a very wise clause—that not more than 10 per cent of the million dollars shall be paid to attorneys. Well, I think it is worth it. Not more than 10 per cent, that is, of the million that we are to pay to Hawaii is to go to attorneys. That would be \$100,000 for the attorneys, so it would be \$900,000 for Hawaii.

Mr. MONDELL. The gentleman must know, as a matter of fact, that in all probability no such amount will go to the attorneys—that this provision was inserted in order that if there were any claimants that promised to pay more than that they could only be called upon to pay 10 per cent of the amount. The evidence before the committee was that the claimants largely do not understand the English language and had to have attorneys, and the attorneys here generally get from 4 to 5 per cent.

Mr. CANNON. I only know that they could not pay more than 10 per cent. They can pay 10 per cent. If it was only 5, why not make it "not more than 5?" Why not no fees at all? I am calling attention to what it is, and I again congratulate the House, if perchance we shall pass this provision, that it can not be more than \$100,000 out of the million dollars gift that goes to the attorneys.

Now, that brings me to this proposition, and then I will talk briefly about the merits. This is legislation, a gift; it is fastened on to this bill with a grip of steel, and it wants this bill to pull it through. Now, then, what committee in the House had jurisdiction of this matter? The Committee on Territories.

Mr. MONDELL. Will the gentleman allow another interruption?

Mr. CANNON. Yes.

Mr. MONDELL. Does not the gentleman know that the

Hawaiian people have been asking their Delegate before this Congress to take up this matter ever since Congress met last fall, and that he did introduce a bill, and that it is not the fault of the Hawaiians themselves that it was not taken up by the committee?

Mr. CANNON. I am not saying whose fault it is; I am only calling attention to the fact. The Committee on Territories of the House, with the bill introduced, is silent. What ought to have been done? They ought to have reported it back to the House and have it go to the Committee of the Whole House on the state of the Union and have days for its consideration, full consideration on its merits. Has it been born that way? Is it a legal and ordinary birth? No; not at all. Now, gentlemen scold the Committee on Appropriations because it usurps jurisdiction. "We do not want this. Oh, no; we want to vindicate the rights of the legislation of the committees of this House!"

Mr. MONDELL. I would like to ask the gentleman if this measure had the sort of a birth that he indicates that it did not have; if it did not have the sort of a birth that the amendment for a million and a quarter dollars for a wart on the nose of a promontory near a shipyard which this House adopted the other day? [Laughter.]

Mr. CANNON. And the House has the power to adopt, and that is what the gentleman is asking this House to do, to adopt this illegitimate child. [Laughter.]

Mr. COOMBS. Will the gentleman allow me an interruption? Mr. CANNON. Well, I would like to go on, because I have not commenced yet on the merits.

Mr. COOMBS. I would like to give the gentleman something to talk on about the merits. I would like to ask what part the attorneys have taken in this proposition that would entitle them to 10 per cent?

Mr. CANNON. The people interested in the claim and God know; I do not. [Laughter.]

Mr. COOMBS. I would like to ask what they have done?

Mr. CANNON. I do not know; that is what I want to find out.

Mr. MONDELL. If the gentleman is looking for information, I can tell him.

Mr. CANNON. Now, I trust I can have my own time. If I can have three minutes we will save time and have an intelligent disposition of this matter. If I may be permitted to have a few minutes without interruption, I will then be glad to yield.

Now, then, the committee of the House, presided over by the gentleman from Massachusetts, has not brought in this bill here. How does it come here? Why, the Committee on Pacific Islands in the Senate has considered this question and extracts from its report have been read here. Did that Committee on the Pacific Islands take it to the Senate and go into Committee of the Whole and consider it hour after hour until it was fully considered? Nay, nay. Nay, nay; but on the contrary, somebody in the Senate moves this amendment on this bill, a bill which must pass or the Government must stop. And so the amendment comes here. Now, what does anybody in this House know about it—intelligently, fully, so that he can say, "Of my own knowledge, looking at it from my own standpoint, the amendment ought to pass." There are not 50 persons in this House who have that kind of knowledge of it.

But even if it were a meritorious measure, the House ought to reject this amendment and say to the Senate "It is that kind of legislation which is prohibited by the rules of the House and which does not run along the lines of good legislation."

Now, ifancy I hear somebody say, "How about the merits?" Give me your attention while I guess at the merits; for the question has two sides. Thirty years ago the United States made a treaty with Hawaii under which we gave them free trade in sugar and their other products; and they gave us free trade. They did not buy much of us; but as we had for nearly all that time a duty of 1½ to 2 cents a pound on sugar coming from other parts of the world to us, the moment their sugar landed it had the 2 cents a pound added to it; so that during those thirty years we practically paid Hawaii a bounty of 2 cents a pound on her sugar, amounting in round numbers to \$100,000,000. She prospered. Great plantations grew up there, such as I have never seen anywhere else. I am not thoroughly familiar with sugar plantations; but I was down there once. Great fortunes have been piled up there; great plantations exist there now.

Hawaii was annexed with her own consent. In July, 1898, Congress passed an act which I have before me. What did we agree to do? We agreed to pay every dollar of her debt—\$4,000,000. So the moment she was annexed she was free from all kinds of debt. The United States has paid her indebtedness. I think I am correct in saying that we have also provided for taking up her depreciated money at our expense.

Mr. HILL. No; we have not.

Mr. CANNON. The gentleman from Connecticut says we have not.

Mr. HILL. And it is not depreciated, either.

Mr. CANNON. Well, I followed my friend on his proposition the other day—

Mr. HILL. But the proposition failed.

Mr. GAINES of Tennessee. We were right on this side of the House and voted it down.

Mr. CANNON. Well, be that as it may, she comes here debt free. We passed an act—known, I think, as the Newlands Act—in 1898, containing this provision:

Until Congress shall provide for the government of such islands, all the powers exercised by the officers of the existing government in said islands shall be vested in such person or persons, and shall be exercised in such manner, as the President of the United States shall direct; and the President shall have the power to remove said officers and fill the vacancies, etc.

Now, we not only assumed the debt of that country, but also the Hawaiian postal savings bank indebtedness, and so on.

In the meantime, under this act, and until later on—a year later on, almost—Hawaii was collecting the revenues from customs by virtue of this act; and they went into her own treasury. Between the time of annexation and the time of the passage of the enabling act under the lead of the gentleman from Massachusetts [Mr. KNOX], chairman of the Committee on Territories, these revenues from customs went into the treasury of Hawaii. In the fullness of time she was annexed; but before annexation—in 1899, a few months before annexation—the bubonic plague developed there. It developed also in San Francisco. I do not know whether any property was destroyed in San Francisco or not—whether any houses were burned.

Mr. KAHN. It has always been a grave question whether there was any bubonic plague at any time in San Francisco. I do not believe there was.

Mr. CANNON. Nevertheless, it was alleged to be there. And there has been smallpox in Arizona and all over the country; and there have been measles, whooping cough, diphtheria, etc., everywhere.

Now, what is the rule? The rule is that the respective States or Territorial governments pay the expenses of the kind referred to. And if Los Angeles, or Phoenix, Ariz., or Albuquerque, N. Mex., had an attack of bubonic plague, and had to burn up a block of buildings, it would be a burden upon the respective State or Territory.

Mr. GAINES of Tennessee. Who pays for the burning up in the Philippine Islands?

Mr. CANNON. Well, I will not take up that subject. Such expenses are paid out of the insular revenues, not out of the United States Treasury.

Now, one word further. This very amendment recognizes the law to which I have referred. Now, is there anything from a charitable standpoint that should make Uncle Sam give a million dollars to his dusky daughter? "The fairest daughter," said my friend from Wyoming; the duskiest daughter say I. But be she dusky or fair, we want to be just to her. Is there anything in her position to make us pay this money? No. She has great industries, rich sugar plantations. She has free trade with the United States. She is owned by the United States and is absolutely without one dollar of debt, because Uncle Sam has paid it all. And now Uncle Sam is getting ready to construct there a naval station and a navy-yard. We are paying all the usual expenses—improvement of her harbors, erection of fortifications—everything of that kind.

Now, I make another proposition. She does not begin to be as poor as New Mexico is or as Arizona is. She has no debt at all, and New Mexico and Arizona and the municipalities have much debt. If we are going into the giving business to our Territories, let us have a fair divide. But now I put another proposition. This gives a million. The loss is a million and a half. Now, if it is right to give it at all, it is right to give it all.

Mr. NEWLANDS. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. CANNON. For a question only.

Mr. NEWLANDS. Mr. Speaker, I would like the gentleman to state the entire expense which Hawaii incurred in suppressing the bubonic plague—how much of that was paid out of the Hawaiian treasury and how much of it the United States Government is expected by this amendment to contribute. My understanding is that over two millions and a half were expended.

Mr. CANNON. Oh, the gentleman from Wyoming [Mr. MONDELL] has stated that.

Mr. NEWLANDS. But the gentleman speaks of the entire expenditure as a million and a half. I understand that it is pretty nearly two millions and a half, and, further, that \$850,000 was taken out of the Hawaiian treasury.

Mr. CANNON. The United States paid four millions of her debt, and gave her the customs receipts until the organizing act was passed.

Mr. POWERS of Maine. Mr. Speaker, will the gentleman yield?

Mr. CANNON. I can not yield until I answer the question.

Mr. NEWLANDS. The gentleman does not answer my query.

Mr. CANNON. I will answer the question in my own way.

Mr. Speaker. Just after the United States paid all the debt of Hawaii, four millions under the act I just read, Hawaii was entitled to all the customs revenues, and she got them for over a year, and that is where she got the \$800,000 plus, which it is alleged she paid out to eradicate this bubonic plague.

Mr. NEWLANDS. Mr. Speaker, I will ask the gentleman—

Mr. CANNON. I can not yield further until I finish the answer.

The SPEAKER. The gentleman declines to yield.

Mr. CANNON. Now, then, that leaves a million and a half yet unpaid. My proposition is, that you acknowledge the United States is not legally bound to pay, because you only give her a million and provide that she may issue her bonds for the other \$500,000. The bonds would be good, because she does not owe anything, and if she paid the whole \$1,500,000 it would not burden her any more and not as much as other Territories of the United States are burdened.

Mr. POWERS of Maine. Mr. Speaker, will the gentleman allow me to ask him a question?

Mr. CANNON. I will not, for a moment.

The SPEAKER. The gentleman declines to yield.

Mr. CANNON. Now, then, that covers the ground. Legally, we are not bound, equitably and morally we are not bound. We are not bound from any standpoint of public policy. It is the first time such a proposition has ever appeared in the House, and so far as I know the first time that it has ever been proposed to write it into the law.

If proper, let it have a natural birth and full discussion as other legislative matters have, and from the standpoint of propriety in legislation—aye, more, from the standpoint of merits, as we get it on the hop, skip, and jump, this last day of the session of Congress—let it go off, and if it has merit in equity or law, it can be considered in the ordinary way. Now, Mr. Speaker, I believe the House understands all on each side that can be said affecting the facts and the merits of this proposition, and I ask for a vote.

Mr. NEWLANDS. Mr. Speaker—

The SPEAKER. The gentleman has declined to yield. The question is on the motion of the gentleman from Wyoming that the House recede from its disagreement to this amendment and agree to the same.

The question was taken; and on a division (demanded by Mr. MONDELL) there were—ayes 22, noes 108.

So the motion was lost.

The SPEAKER. The Chair will call the attention of the gentleman from Illinois to the fact that a motion to further insist would be in order as to the two amendments that were lost, Nos. 9 and 26.

Mr. CANNON. Yes; I ask unanimous consent that that be considered as ordered.

The SPEAKER. The gentleman from Illinois asks unanimous consent that that be considered as ordered. Is there objection? There was no objection.

The SPEAKER. This brings us to amendment No. 34, on which the gentleman from Ohio gave notice that he would ask for a separate vote. The Clerk will read the amendment.

The Clerk read as follows:

Rivers and Harbors: For the improvement of the Ohio River between Cairo and Mound City, \$25,000, to continue available during the fiscal year 1903, and to be expended only if in the opinion of the Secretary of War an emergency exists making such an expenditure necessary.

Mr. BURTON. Mr. Speaker, I have a motion which I desire to submit, and which I will ask the Clerk to read.

The Clerk read as follows:

That the House recede from its disagreement and concur with an amendment as follows: Strike out at the end of the amendment the words "making such expenditures necessary" and insert in lieu thereof the words "and such expenditure is required in the interests of navigation."

The SPEAKER. The motion of the gentleman which has just been read is that the House recede and concur with an amendment. The Chair recognizes the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, so far as I am concerned this is a matter that dwells peculiarly with the Committee on Rivers and Harbors, and I am very glad indeed that the gentleman from Ohio and his committee have considered it.

The SPEAKER. How much time does the gentleman from Illinois yield?

Mr. CANNON. I have no objection to the proposition, if it meets with the approval of the Committee on Rivers and Harbors.

Mr. BURTON. The amount is not large, but there is a question of policy involved which is very important.

Mr. CANNON. I yield to the gentleman from Ohio such time as he desires.

Mr. BURTON. I shall not require more than five minutes, certainly. The House Committee on Rivers and Harbors very

carefully excluded from the bill passed at this session any provision for bank protection merely, or for the protection of private property, except as was stated at the time, the levees on the Mississippi River, if they are to be considered as merely for the protection of property, a question about which there is a difference of opinion. This rule was enforced on the Ohio, on the Mississippi River above Cairo, on the Missouri, and in other places.

The amendment in the form in which it passed the Senate would leave the question open whether this \$25,000 could not be expended merely for protecting the banks between Mound City and Cairo. The amendment as offered here allows the Secretary of War to expend this money only in case an emergency exists and such improvement is required in the interest of navigation. I am informed that a serious emergency does exist there; that the water is undermining the banks. It is possible that this proposed expenditure will be required for legitimate uses of navigation, but if it is not so required this House ought not to authorize it. This amendment will restrict the Secretary of War in his action to that line of policy which was insisted upon by the House and will authorize him to use this money only in case navigation requires it. I think, Mr. Speaker, this is all I desire to say upon the subject.

Mr. CANNON. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. SMITH].

Mr. SMITH of Illinois. Mr. Speaker, as was stated by the chairman of the Committee on Rivers and Harbors, information has reached us that a great emergency exists on the Ohio River between Cairo and Mound City, calling for at least this amount of appropriation. I note that an amendment is offered by the gentleman from Ohio [Mr. BURTON] by which he would endeavor to restrict the expenditure of this money only to the improvement of navigation of the river.

If my information is correct with reference to conditions there, and that information comes from the very best of sources—from letters, telegrams, statements, and petitions sent to me, which I filed in the Senate before the pending Senate amendment was offered—the emergency is a great one; and if it is as bad as the people there believe, and they think it is—and they have the opportunity to know the facts, and I believe they have been correctly stated—there will be no question but what the expenditure of this money will be necessary in the interest of navigation. But considering the great liberality which we have shown here to-day in giving away to the Buffalo Exposition \$500,000, where we did not owe a cent, and making other provisions where, as stated by the chairman of the Committee on Appropriations, we are neither legally nor equitably nor morally bound; considering those conditions, I regret very much that the language used in this amendment is insisted upon by the chairman of the Committee on Rivers and Harbors.

I am fully aware, however, of the position that committee has taken with reference to these appropriations, and that the amendment which the gentleman offers is in compliance with and consistent with the requirements they have made in all other cases. Believing there will be no question but what, if this appropriation is made, it will be necessary in the interest of navigation, and will be so construed by the Secretary of War, and that there will be no question but that it will be so expended, I will not further antagonize the amendment of the gentleman from Ohio.

At my request he and other members of his committee conferred with me fully on this matter and finally agreed that with this slight amendment inserted, and which I do not consider will materially change the effect of the Senate amendment, and a majority of the Committee on Rivers and Harbors have joined in a written statement to the House conferees that with the modification of the Senate amendment as contained in the motion of the gentleman from Ohio, they would not object to or oppose the retention of the Senate amendment; and the chairman of the Committee on Appropriations having indicated that with the concurrence of the Rivers and Harbors Committee he would not further resist the Senate amendment appropriating the \$25,000, I will ask that the amendment of the gentleman from Ohio be concurred in; that the House recede from its disagreement, and that the Senate amendment as modified be adopted, and the appropriation of \$25,000 asked for be made.

Mr. CANNON. Let us have a vote.

The SPEAKER. The question is on the motion of the gentleman from Ohio [Mr. BURTON], to recede and concur with an amendment.

The motion was agreed to.

Mr. CANNON. I believe that completes the bill.

The SPEAKER. Without objection, the usual motion asking for a further conference will prevail.

There was no objection.

The SPEAKER announced as conferees on the part of the House Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON.

SUSPENSION OF THE RULES.

Mr. GROSVENOR. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Ohio calls up a privileged report from the Committee on Rules, which will be reported by the Clerk.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution No. 395, have had the same under consideration, and recommend that it be agreed to: "Resolved, That for the remainder of the session the motion to suspend the rules shall be in order at any time, under all the conditions governing the motion on the first and third Mondays of a month."

The SPEAKER. The question is on agreeing to the resolution.

Mr. UNDERWOOD. I will say, Mr. Speaker, that it is evident that the House is about ready to adjourn, and it is always customary to have this resolution, or the rules themselves if we had passed an adjournment resolution would have served the same purpose without having a special rule brought in. The fact being that we are about ready to adjourn, and this resolution having been brought in without any adjournment resolution, I would like to ask the gentleman from Ohio if his side of the House is prepared to state when we will adjourn?

Mr. GROSVENOR. Mr. Speaker, it has been thought best not to tie the hands of the House by the passage of a resolution of adjournment until certain of the most important matters are either disposed of or are in such a shape that we can calculate accurately the proper time to adjourn, and so, pending that time, this rule has been brought in here, in order that certain matters about which there is no special controversy may be called up by a stronger position in their favor than mere requests for unanimous consent.

Mr. UNDERWOOD. I would like to ask the gentleman from Ohio whether his side of the House proposes to adjourn without any legislation in reference to the Cuban matter or with reference to trust legislation?

Mr. GROSVENOR. I presume that our side of the House proposes to adjourn whenever a majority of the entire House votes in favor of a resolution to that effect.

Mr. UNDERWOOD. I wanted to know of the gentleman if we are to adjourn without legislation of that character?

Mr. GROSVENOR. The gentleman is as good a judge of that question as I am. I demand the previous question.

The question was taken, and the previous question was ordered, and under the operation thereof the resolution was agreed to.

On motion of Mr. GROSVENOR, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

CONFERENCE REPORTS AND STATEMENTS.

Mr. DALZELL. Mr. Speaker, I present the following report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, having had the following rule under consideration, reports the same to the House with the recommendation that it be adopted:

Resolved, That the rule requiring the presentation and printing of conference reports and statements one day before consideration by the House be, and the same is hereby, suspended during the remainder of this session.

The question was taken, and the resolution was agreed to.

ALASKA.

The SPEAKER. The unfinished business is the matter called up by the gentleman from Illinois [Mr. WARNER], being Senate bill 6139. There is a point of order pending, made by the gentleman from Tennessee [Mr. RICHARDSON], who does not appear to be in his seat. The Chair will state that the gentleman from Tennessee told the Chair that he intended to withdraw his point of order, but would like his colleague, Mr. BALL of Texas, to have two minutes. If the gentleman will yield for that purpose, the Chair will, on the statement of the gentleman from Tennessee, recognize the gentleman from Texas [Mr. BALL] for two minutes.

Mr. BALL of Texas. Mr. Speaker, I will state that the bill under consideration was very carefully considered by the Committee on Revision of the Laws. The part objected to by the gentleman from Tennessee, relating to taxation, is only authority conferred upon the people of Alaska to provide taxes by municipal authority for the use of towns and cities for fire protection, etc., and to maintain their public schools. So much of the bill as relates to the formation of corporations has been very carefully considered. The restrictions upon the corporate powers conferred upon these corporations are as severe and as onerous, perhaps more so, than is imposed by any one of the States of the Union.

The bill is urgent and ought to be passed at this session of Congress. It has already passed the Senate in practically the form reported as to formation of corporations, and the bill as reported is an amendment of the bill which passed through the Senate. The fact that it comes upon the heels of the session of Congress

is only caused by the fact that the Committee on Revision of the Laws desired to give the bill careful and proper attention before reporting it, and not with any intention of rushing it through in the closing hours of the session. I think it very important that the bill should be passed, as it has been carefully prepared and is urgently needed by the people of Alaska to maintain their municipal governments, to sustain their public schools, and to prevent wild-cat corporations from the exploitation of that Territory.

The bill, I think, was properly considered by the Committee on the Revision of the Laws. A part of it, it is true, might properly go to the Committee on Territories. The other part of it should go to the Committee on Revision of the Laws, which considered and reported the bill providing for a civil code for Alaska in the last session of the Congress. I hope the gentleman from Tennessee will withdraw his objection.

Mr. RICHARDSON of Tennessee. In view of the statement the gentleman from Texas has made, and which he told me he intended to make, I desire to withdraw the points of order which I submitted.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WARNER, a motion to reconsider the vote by which the bill was passed was laid on the table.

ALLOTMENT OF LANDS OF CHEROKEE NATION.

Mr. CURTIS. Mr. Speaker, I call from the Speaker's table Senate bill 5956, and move to suspend the rules and pass the bill.

The SPEAKER. The gentleman from Kansas moves to suspend the rules and take from the Speaker's table, to be passed, the following bill:

The Clerk read as follows:

A bill (S. 5956) to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes.

Be it enacted, etc.,

DEFINITION OF WORDS EMPLOYED HEREIN.

SECTION 1. The words "nation" and "tribe" shall each be held to refer to the Cherokee Nation or tribe of Indians in Indian Territory.

SEC. 2. The words "principal chief" or "chief executive" shall be held to mean the principal chief of said tribe.

SEC. 3. The words "Dawes Commission" or "Commission" shall be held to mean the United States Commission to the Five Civilized Tribes.

SEC. 4. The word "minor" shall be held to mean males under the age of 21 years and females under the age of 18 years.

SEC. 5. The terms "allotable lands" or "lands allottable" shall be held to mean all the lands of the Cherokee tribe not herein reserved from allotment.

SEC. 6. The word "select" and its various modifications, as applied to allotments and homesteads, shall be held to mean the formal application at the land office, to be established by the Dawes Commission for the Cherokee Nation, for particular tracts of land.

SEC. 7. The words "member" or "members" and "citizen" or "citizens" shall be held to mean members or citizens of the Cherokee Nation, in the Indian Territory.

SEC. 8. Every word in this act importing the masculine gender may extend and be applied to females as well as males, and the use of the plural may include also the singular, and vice versa.

APPRAISEMENT OF LANDS.

SEC. 9. The lands belonging to the Cherokee tribe of Indians in Indian Territory, except such as are herein reserved from allotment, shall be appraised at their true value: Provided, That in the determination of the value of such land consideration shall not be given to the location thereof, to any timber thereon, or to any mineral deposits contained therein, and shall be made without reference to improvements which may be located thereon.

SEC. 10. The appraisement, as herein provided, shall be made by the Commission to the Five Civilized Tribes, under the direction of the Secretary of the Interior.

ALLOTMENT OF LANDS.

SEC. 11. There shall be allotted by the Commission to the Five Civilized Tribes and to each citizen of the Cherokee tribe, as soon as practicable after the approval by the Secretary of the Interior of his enrollment as herein provided, land equal in value to 110 acres of the average allottable lands of the Cherokee Nation, to conform as nearly as may be to the areas and boundaries established by the Government survey, which land may be selected by each allottee so as to include his improvements.

SEC. 12. For the purpose of making allotments and designating homesteads hereunder, the 40-acre, or quarter of a quarter section, subdivision established by the Government survey may be dealt with as if further subdivided into four equal parts in the usual manner, thus making the smallest legal subdivision 10 acres, or a quarter of a quarter of a section.

SEC. 13. Each member of said tribe shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to 40 acres of the average allottable lands of the Cherokee Nation, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of the certificate of allotment. Separate certificate shall issue for said homestead. During the time said homestead is held by the allottee the same shall be nontaxable and shall not be liable for any debt contracted by the owner thereof while so held by him.

SEC. 14. Lands allotted to citizens shall not in any manner whatever or at any time be encumbered, taken, or sold to secure or satisfy any debt or obligation, or be alienated by the allottee or his heirs, before the expiration of five years from the date of the ratification of this act.

SEC. 15. All lands allotted to the members of said tribe, except such land as is set aside to each for a homestead as herein provided, shall be alienable in five years after issuance of patent.

SEC. 16. If for any reason an allotment should not be selected or a homestead designated by or on behalf of any member of the tribe, it shall be the duty of said Commission to make said selection and designation.

SEC. 17. In the making of allotments and in the designation of homesteads for members of said tribe, said Commission shall not be required to divide

lands into tracts of less than the smallest legal subdivision provided for in section 12 hereof.

SEC. 18. It shall be unlawful after ninety days after the ratification of this act by the Cherokees for any member of the Cherokee tribe to inclose or hold possession of, in any manner, by himself or through another, directly or indirectly, more lands in value than that of 110 acres of average allottable lands of the Cherokee Nation, either for himself or for his wife, or for each of his minor children, if members of said tribe; and any member of said tribe found in such possession of lands, or having the same in any manner inclosed, after the expiration of ninety days after the date of the ratification of this act shall be deemed guilty of a misdemeanor.

SEC. 19. Any person convicted of violating any of the provisions of section 18 of this act shall be punished by a fine of not less than \$100, shall stand committed until such fine and costs are paid (such commitment not to exceed one day for every \$2 of said fine and costs), and shall forfeit possession of any property in question, and each day on which such offense is committed or continues to exist shall be deemed a separate offense. The United States district attorney for the northern district is required to see that the provisions of said section 18 are strictly enforced, and he shall immediately, after the expiration of the ninety days after the ratification of this act proceed to dispossess all persons of such excessive holdings of lands and to prosecute them for so unlawfully holding the same, and the Commission to the Five Civilized Tribes shall have authority to make investigations of all violations of section 18 and make report thereon to the United States district attorney.

SEC. 20. If any person whose name appears upon the roll prepared as herein provided shall have died subsequent to the 1st day of September, 1902, and before receiving his allotment, the lands to which such person would have been entitled if living shall be allotted in his name, and shall, according to the laws of descent and distribution as provided in chapter 43 of Mansfield's Digest of the Statutes of Arkansas: *Provided*, That the allotment thus to be made shall be selected by a duly appointed administrator or executor. If, however, such administrator or executor be not duly and expeditiously appointed, or fails to act promptly when appointed, or for any other cause such selection be not so made within a reasonable and proper time, the Dawes Commission shall designate the lands thus to be allotted.

SEC. 21. Allotment certificates issued by the Dawes Commission shall be conclusive evidence of the right of an allottee to the tract of land described therein, and the United States Indian agent for the Union Agency shall, under the direction of the Secretary of the Interior, upon the application of the allottee, place him in possession of his allotment, and shall remove therefrom all persons objectionable to him, and the acts of the Indian agent hereunder shall not be controlled by the writ or process of any court.

SEC. 22. Exclusive jurisdiction is hereby conferred upon the Commission to the Five Civilized Tribes, under the direction of the Secretary of the Interior, to determine all matters relative to the appraisal and the allotment of lands.

SEC. 23. All Delaware Indians who are members of the Cherokee Nation shall take lands and share in the funds of the tribe, as their rights may be determined by the judgment of the Court of Claims, or by the Supreme Court if appealed, in the suit instituted therein by the Delawares against the Cherokee Nation, and now pending; but if said suit be not determined before said Commission is ready to begin the allotment of lands of the tribe as herein provided, the Commission shall cause to be segregated 157,600 acres of land, including lands which have been selected and occupied by Delawares in conformity to the provisions of their agreement with the Cherokees dated April 8, 1867, such lands so to remain, subject to disposition according to such judgment as may be rendered in said cause; and said Commission shall thereupon proceed to the allotment of the remaining lands of the tribe as aforesaid.

Said Commission shall, when final judgment is rendered, allot lands to such Delawares in conformity to the terms of the judgment and their individual rights thereunder. Nothing in this act shall in any manner impair the rights of either party to said contract as the same may be finally determined by the court, or shall interfere with the holdings of the Delawares under their contract with the Cherokees of April 8, 1867, until their rights under said contract are determined by the courts in their suit now pending against the Cherokees, and said suit shall be advanced on the dockets of said courts and determined at the earliest time practicable.

RESERVATIONS.

SEC. 24. The following lands shall be reserved from the allotment of lands herein provided for:

- (a) All lands set apart for town sites by the provisions of the act of Congress of June 28, 1898 (30 Stats., p. 495), the provisions of the act of Congress of May 31, 1900 (31 Stats., p. 221), and by the provisions of this act.
- (b) All lands to which, upon the date of the ratification of this act, any railroad company may, under any treaty or act of Congress, have a vested right for right of way, depots, station grounds, water stations, stock yards, or similar uses only, connected with the maintenance and operation of the railroad.
- (c) All lands selected for town cemeteries not to exceed 20 acres each.
- (d) One acre of land for each Cherokee schoolhouse not included in town sites or herein otherwise provided for.
- (e) Four acres for Willie Halsell College at Vinita.
- (f) Four acres for Baptist Mission school at Tahlequah.
- (g) Four acres for Presbyterian school at Tahlequah.
- (h) Four acres for Park Hill Mission school south of Tahlequah.
- (i) Four acres for Elm Springs Mission school at Barren Fork.
- (j) Four acres for Dwight Mission school at Sallisaw.
- (k) Four acres for Skiatook Mission near Skiatook.
- (l) Four acres for Lutheran Mission school on Illinois River north of Tahlequah.
- (m) Sufficient ground for burial purposes where neighborhood cemeteries are now located, not to exceed 3 acres each.
- (n) One acre for each church house outside of towns.
- (o) One square now occupied by the capitol building at Tahlequah.
- (p) The grounds now occupied by the national jail at Tahlequah.
- (q) The grounds now occupied by the Cherokee Advocate printing office at Tahlequah.
- (r) Forty acres for the Cherokee Male Seminary near Tahlequah.
- (s) Forty acres for the Cherokee Female Seminary at Tahlequah.
- (t) One hundred and twenty acres for the Cherokee Orphan Asylum on Grand River.
- (u) Forty acres for colored high school in Tahlequah district.
- (v) Forty acres for the Cherokee Insane Asylum.
- (w) Four acres for the school for blind, deaf, and dumb children near Fort Gibson.

The acre so reserved for any church or schoolhouse in any quarter section of land shall be located where practicable in a corner of such quarter section adjacent to the section lines thereof.

Provided, That the Methodist Episcopal Church South may, within twelve months after the ratification of this act, pay \$10 per acre for the 160 acres of land adjacent to the town of Vinita, and heretofore set apart by act of the Cherokee national council for the use of said church for missionary and edu-

cational purposes, and now occupied by Willie Halsell College (formerly Galloway College), and shall thereupon receive title thereto; but if said church fail so to do it may continue to occupy said 160 acres of land as long as it uses same for the purposes aforesaid.

Any other school or college in the Cherokee Nation which claims to be entitled under the law to a greater number of acres than is set apart for said school or college by section 24 of this act may have the number of acres to which it is entitled by law. The trustees of such school or college shall, within sixty days after the ratification of this act, make application to the Secretary of the Interior for the number of acres to which such school or college claims to be entitled, and if the Secretary of the Interior shall find that such school or college is, under the laws and treaties of the Cherokee Nation in force prior to the ratification of this act, entitled to a greater number of acres of land than is provided for in this act, he shall so determine and his decision shall be final.

The amount so found by the Secretary of the Interior shall be set apart for the use of such college or school as long as the same may be used for missionary and educational purposes: *Provided*, That the trustees of such school or college shall pay \$10 per acre for the number of acres so found by the Secretary of the Interior and which have been heretofore set apart by act of the Cherokee national council for use of such school or college for missionary or educational purposes, and upon the payment of such sum within sixty days after the decision of the Secretary of the Interior said college or school may receive a title to such land.

ROLL OF CITIZENSHIP.

SEC. 25. The roll of citizens of the Cherokee Nation shall be made as of September 1, 1902, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes.

SEC. 26. The names of all persons living on the 1st day of September, 1902, entitled to be enrolled as provided in section 25 hereof, shall be placed upon the roll made by said Commission, and no child born thereafter to a citizen, and no white person who has intermarried with a Cherokee citizen since the 16th day of December, 1895, shall be entitled to enrollment or to participate in the distribution of the tribal property of the Cherokee Nation.

SEC. 27. Such rolls shall in all other respects be made in strict compliance with the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., p. 495), and the act of Congress approved May 31, 1900 (31 Stats., p. 221).

SEC. 28. No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation.

SEC. 29. For the purpose of expediting the enrollment of the Cherokee citizens and the allotment of lands as herein provided, the said Commission shall, from time to time, and as soon as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final roll of citizens of the Cherokee tribe, upon which allotment of land and distribution of other tribal property shall be made. When there shall have been submitted to and approved by the Secretary of the Interior lists embracing the names of all those lawfully entitled to enrollment, the roll shall be deemed complete. The roll so prepared shall be made in quadruplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the principal chief of the Cherokee Nation, and one to remain with the Commission to the Five Civilized Tribes.

SEC. 30. During the months of September and October, in the year 1902, the Commission to the Five Civilized Tribes may receive applications for enrollment of such infant children as may have been born to recognized and enrolled citizens of the Cherokee Nation on or before the 1st day of September, 1902, but the application of no person whomsoever for enrollment shall be received after the 31st day of October, 1902.

SEC. 31. No person whose name does not appear upon the roll prepared as herein provided shall be entitled to in any manner participate in the distribution of the common property of the Cherokee tribe, and those whose names appear thereon shall participate in the manner set forth in this act: *Provided*, That no allotment of land or other tribal property shall be made to any person, or to the heirs of any person, whose name is on said roll and who died prior to the 1st day of September, 1902. The right of such person to any interest in the lands or other tribal property shall be deemed to have become extinguished and to have passed to the tribe in general upon his death before said date, and any person or persons who may conceal the death of anyone on said roll as aforesaid for the purpose of profiting by said concealment, and who shall knowingly receive any portion of any land or other tribal property or of the proceeds so arising from any allotment prohibited by this section, shall be deemed guilty of a felony, and shall be proceeded against as may be provided in other cases of felony, and the penalty for this offense shall be confinement at hard labor for a period of not less than one year nor more than five years, and in addition thereto a forfeiture to the Cherokee Nation of the lands, other tribal property, and proceeds so obtained.

SCHOOLS.

SEC. 32. The Cherokee school fund shall be used, under the direction of the Secretary of the Interior, for the education of children of Cherokee citizens, and the Cherokee schools shall be conducted under rules prescribed by him according to Cherokee laws, subject to such modifications as he may deem necessary to make the schools most effective and to produce the best possible results; said schools to be under the supervision of a supervisor appointed by the Secretary and a school board elected by the national council.

SEC. 33. All teachers shall be examined by said supervisor, and said school board and competent teachers and other persons to be engaged in and about the schools with good moral character only shall be employed; but where all qualifications are equal, preference shall be given to citizens of the Cherokee Nation in such employment.

SEC. 34. All moneys for carrying on the schools shall be appropriated by the Cherokee national council, not to exceed the amount of the Cherokee school fund; but if the council fail or refuse to make the necessary appropriations, the Secretary of the Interior may direct the use of a sufficient amount of the school fund to pay all necessary expenses for the efficient conduct of the schools, strict account therefor to be rendered to him and the principal chief.

SEC. 35. All accounts for expenditures in carrying on the schools shall be examined and approved by said supervisor, and also by the general superintendent of Indian schools in the Indian Territory, before payment thereof is made.

SEC. 36. The interest arising from the Cherokee orphan fund shall be used, under the direction of the Secretary of the Interior, for maintaining the Cherokee Orphan Asylum for the benefit of the Cherokee orphan children.

ROADS.

SEC. 37. Public highways or roads 2 rods in width, being 1 rod on each side of the section line, may be established along all section lines without any compensation being paid therefor, and all allottees, purchasers, and

others shall take the title to such lands subject to this provision; and public highways or roads may be established elsewhere whenever necessary for the public good, the actual value of the land taken elsewhere than along section lines to be determined under the direction of the Secretary of the Interior while the tribal government continues and to be paid by the Cherokee Nation during that time; and if buildings or other improvements are damaged in consequence of the establishment of such public highways or roads, whether along section lines or elsewhere, such damages, during the continuance of the tribal government, shall be determined and paid for in the same manner.

TOWN SITES.

SEC. 38. The lands which may hereafter be set aside and reserved for town sites upon the recommendation of the Dawes Commission under the provisions of the act of Congress approved May 31, 1900 (31 Stats., p. 221), shall embrace such acreage as may be necessary for the present needs and reasonable prospective growth of such town sites, not to exceed 640 acres for each town site.

SEC. 39. Whenever any tract of land shall be set aside by the Secretary of the Interior for town-site purposes, as provided in said act of May 31, 1900, or by the terms of this act, which is occupied at the time of such segregation by any member of the Cherokee Nation, such occupant shall be allowed to purchase any lot upon which he then has improvements other than fences, tillage, and temporary improvements, in accordance with the provisions of the act of June 28, 1898 (30 Stats., p. 495), or, if he so elects, the lot will be sold under rules and regulations to be prescribed by the Secretary of the Interior, and he shall be fully compensated for his improvements thereon out of the funds of the tribe arising from the sale of the town sites, the value of such improvements to be determined by a board of appraisers, one member of which shall be appointed by the Secretary of the Interior, one by the chief executive of the tribe, and one by the occupant of the land, said board of appraisers to be paid such compensation for their services as may be determined by the Secretary of the Interior out of any appropriations for surveying, laying out, platting, and selling town sites.

SEC. 40. All town sites which may hereafter be set aside by the Secretary of the Interior on the recommendation of the Commission to the Five Civilized Tribes, under the provisions of the act of Congress approved May 31, 1900 (31 Stats., p. 221), with the additional acreage added thereto, as well as all town sites set aside under the provisions of this act having a population of less than 200, shall be surveyed, laid out, platted, appraised, and disposed of in like manner, and with like preference rights accorded to owners of improvements as other town sites in the Cherokee Nation are surveyed, laid out, platted, appraised, and disposed of under the act of Congress of June 28, 1898 (30 Stats., p. 495), as modified or supplemented by the act of May 31, 1900. *Provided*, That as to the town sites set aside as aforesaid the owner of the improvements shall be required to pay the full appraised value of the lot instead of the percentage named in said act of June 28, 1898 (30 Stats., p. 495).

SEC. 41. Any person being in possession or having the right to the possession of any town lot or lots, as surveyed and platted under the direction of the Secretary of the Interior, in accordance with the act of Congress approved May 31, 1900 (31 Stat., p. 221), the occupancy of which lot or lots was originally acquired under any town-site act of the Cherokee Nation, and owning improvements thereon, other than temporary buildings, fencing, or tillage, shall have the right to purchase the same at one-fourth of the appraised value thereof.

SEC. 42. Any person being in possession of, or having the right to the possession of, any town lot or lots, as surveyed and platted under the direction of the Secretary of the Interior, in accordance with the act of Congress approved May 31, 1900 (31 Stat., p. 221), the occupancy of which lot or lots was originally acquired under any town-site act of the Cherokee Nation, and not having any improvements thereon, shall have the right to purchase the same at one-half of the appraised value thereof.

SEC. 43. Any citizen in rightful possession of any town lot having improvements thereon other than temporary buildings, fencing, and tillage, the occupancy of which has not been acquired under tribal laws, shall have the right to purchase same by paying one-half the appraised value thereof. *Provided*, That any other person in undisputed possession of any town lot having improvements thereon other than temporary buildings, fencing, and tillage, the occupancy of which has not been acquired under tribal laws, shall have the right to purchase such lot by paying the appraised value thereof.

SEC. 44. All lots not having thereon improvements other than temporary buildings, fencing, and tillage, the sale or disposition of which is not herein otherwise specifically provided for, shall be sold within twelve months after appraisal, under the direction of the Secretary of the Interior, after due advertisement, at public auction, to the highest bidder, at not less than their appraised value.

SEC. 45. When the appraisal of any town lot is made and approved, the town-site commission shall notify the claimant thereof of the amount of appraisal, and he shall, within sixty days thereafter, make payment of 10 per cent of the amount due for the lot, and four months thereafter he shall pay 15 per cent additional, and the remainder of the purchase money he shall pay in three equal annual installments without interest; but if the claimant of any such lot fail to purchase same or make the first and second payments aforesaid or make any other payment within the time specified, the lot and improvements shall be sold at public auction to the highest bidder, under the direction of the Secretary of the Interior, at a price not less than its appraised value.

SEC. 46. When any improved lot shall be sold at public auction because of the failure of the person owning improvements thereon to purchase same within the time allowed in said act of Congress approved June 28, 1898 (30 Stats., p. 495), said improvements shall be appraised by a committee, one member of which shall be selected by the owner of the improvements and one member by the purchaser of said lot; and in case the said committee is not able to agree upon the value of said improvements, the committee may select a third member, and in that event the determination of the majority of the committee shall control. Said committee of appraisal shall be paid such compensation for their services by the two parties in interest, share and share alike, as may be agreed upon, and the amount of said appraisal shall be paid by the purchaser of the lot to the owner of the improvements in cash within thirty days after the decision of the committee of appraisal.

SEC. 47. The purchaser of any unimproved town lot sold at public auction shall pay 25 per cent of the purchase money at the time of the sale, and within four months thereafter he shall pay 25 per cent additional, and the remainder of the purchase money he shall pay in two equal annual installments without interest.

SEC. 48. Such towns in the Cherokee Nation as may have a population of less than 200 people not otherwise provided for, and which, in the judgment of the Secretary of the Interior, should be set aside as town sites, shall have their limits defined as soon as practicable after the approval of this act in the same manner as provided for other town sites.

SEC. 49. The town authorities of any town site in said Cherokee Nation may select and locate, subject to the approval of the Secretary of the Interior, a cemetery within suitable distance from said town, to embrace such number of acres as may be deemed necessary for such purpose. The town-

site commission shall appraise the same at its true value, and the town may purchase the same within one year from the approval of the survey by paying the appraised value. If any citizen have improvements thereon, said improvements shall be appraised by said town-site commission and paid for by the town: *Provided*, That lands already laid out by tribal authorities for cemeteries shall be included in the cemeteries herein provided for without cost to the towns, and the holdings of the burial lots therein now occupied for such purpose shall in no wise be disturbed: *And provided further*, That any park laid out and surveyed in any town shall be duly appraised at a fair valuation, and the inhabitants of said town shall, within one year after the approval of the survey and the appraisal of said park by the Secretary of the Interior, pay the appraised value to the proper officer for the benefit of the tribe.

SEC. 50. The United States shall pay all expenses incident to surveying, platting, and disposition of town lots, and all allotments of lands made under the provisions of this plan of allotment, except where the town authorities may have been or may be duly authorized to survey and plat their respective towns at the expense of such towns.

SEC. 51. No taxes shall be assessed by any town government against any town lot remaining unsold, but taxes may be assessed against any town lot sold as herein provided.

SEC. 52. If the purchaser of any town lot fail to make payment of any sum when due, the same shall thereafter bear 6 per cent interest per annum until paid.

SEC. 53. All lots or parts of lots, not exceeding 50 by 150 feet in size, upon which church houses and parsonages have been erected, and which are occupied as such at the time of appraisal, shall be conveyed gratuitously to the churches to which such improvements belong, and if such churches have inclosed other adjoining lots actually necessary for their use, they may purchase the same by paying the appraised value thereof.

SEC. 54. Whenever the chief executive of the Cherokee Nation fails or refuses to appoint a town-site commissioner for any town, or to fill any vacancy caused by the neglect or refusal of the town-site commissioners appointed by the chief executive to qualify or act, or otherwise, the Secretary of the Interior, in his discretion, may appoint a commissioner to fill the vacancy thus created.

SEC. 55. The purchaser of any town lot may at any time pay the full amount of the purchase money, and he shall thereupon receive title therefor.

SEC. 56. Any person may bid for and purchase any lot sold at public auction as herein provided.

SEC. 57. The United States may purchase in any town in the Cherokee Nation suitable lands for court-houses, jails, or other necessary public purposes for its use by paying the appraised value thereof, the same to be selected under the direction of the department for whose use such lands are needed, and if any person have improvements thereon the same shall be appraised in like manner as other town property, and shall be paid for by the United States.

TITLES.

SEC. 58. The Secretary of the Interior shall furnish the principal chief with blank patents necessary for all conveyances herein provided for, and when any citizen receives his allotment of land, or when any allotment has been so ascertained and fixed that title should under the provisions of this act be conveyed, the principal chief shall thereupon proceed to execute and deliver to him a patent conveying all the right, title, and interest of the Cherokee Nation, and of all other citizens, in and to the lands embraced in his allotment certificate.

SEC. 59. All conveyances shall be approved by the Secretary of the Interior, which shall serve as a relinquishment to the grantee of all the right, title, and interest of the United States in and to the lands embraced in his patent.

SEC. 60. Any allottee accepting such patent shall be deemed to assent to the allotment and conveyance of all the lands of the tribe as provided in this act, and to relinquish all his right, title, and interest to the same, except in the proceeds of lands reserved from allotment.

SEC. 61. The acceptance of patents for minors and incompetents by persons authorized to select their allotments for them shall be deemed sufficient to bind such minors and incompetents as to the conveyance of all other lands of the tribe.

SEC. 62. All patents, when so executed and approved, shall be filed in the office of the Dawes Commission, and recorded in a book provided for the purpose until such time as Congress shall make other suitable provision for record of land titles, without expense to the grantee, and such records shall have like effect as other public records.

MISCELLANEOUS.

SEC. 63. The tribal government of the Cherokee Nation shall not continue longer than March 4, 1906.

SEC. 64. The collection of all revenues of whatsoever character belonging to the tribe shall be made by an officer appointed by the Secretary of the Interior, under rules and regulations to be prescribed by the said Secretary.

SEC. 65. All things necessary to carry into effect the provisions of this act, not otherwise herein specifically provided for, shall be done under the authority and direction of the Secretary of the Interior.

SEC. 66. All funds of the tribe, and all moneys accruing under the provisions of this act, shall be paid out under the direction of the Secretary of the Interior, and when required for per capita payments shall be paid directly to each individual by an appointed officer of the United States, under the direction of the Secretary of the Interior.

SEC. 67. The Secretary of the Interior shall cause to be paid all just indebtedness of said tribe existing at the date of the ratification of this act which may have lawfully been contracted, and warrants therefor regularly issued upon the several funds of the tribe, as also warrants drawn by authority of law hereafter and prior to the dissolution of the tribal government, such payments to be made from any funds in the United States Treasury belonging to said tribe, and all such indebtedness of the tribe shall be paid in full before any pro rata distribution of the funds of the tribe shall be made. The Secretary of the Interior shall make such payments at the earliest time practicable, and he shall make all needed rules and regulations to carry this provision into effect.

SEC. 68. Jurisdiction is hereby conferred upon the Court of Claims to examine, consider, and adjudicate, with a right of appeal to the Supreme Court of the United States by any party in interest feeling aggrieved at the decision of the Court of Claims, any claim which the Cherokee tribe, or any band thereof, arising under treaty stipulations, may have against the United States, upon which suit shall be instituted within two years after the approval of this act; and also to examine, consider, and adjudicate any claim which the United States may have against said tribe, or any band thereof. The institution, prosecution, or defense, as the case may be, on the part of the tribe or any band, of any such suit, shall be through attorneys employed and to be compensated in the manner prescribed in sections 2103 to 2106, both inclusive, of the Revised Statutes of the United States, the tribe acting through its principal chief in the employment of such attorneys, and the band acting through a committee recognized by the Secretary of the Interior.

The Court of Claims shall have full authority, by proper orders and process, to make parties to any such suit all persons whose presence in the litigation it may deem necessary or proper to the final determination of the matter in controversy, and any such suit shall, on motion of either party, be advanced on the docket of either of said courts and be determined at the earliest practicable time.

SEC. 69. After the expiration of nine months after the date of the original selection of an allotment by or for any citizen of the Cherokee tribe as provided in this act, no contest shall be instituted against such selection, and as early thereafter as practicable patent shall issue therefor.

SEC. 70. Allotments may be selected and homesteads designated for minors by the father or mother, if citizens, or by a guardian, or curator, or the administrator having charge of their estate, in the order named; and for prisoners, convicts, aged and infirm persons, and soldiers and sailors of the United States on duty outside of the Indian Territory, by duly appointed agents under power of attorney; and for incompetents by guardians, curators, or other suitable persons akin to them; but it shall be the duty of said commission to see that said selections are made for the best interests of such parties.

SEC. 71. Any allottee taking as his allotment lands located around the Cherokee National Male Seminary, the Cherokee National Female Seminary, or Cherokee Orphan Asylum, which have not been reserved from allotment as herein provided, and upon which buildings, fences, or other property of the Cherokee Nation are located, such buildings, fences, or other property shall be appraised at the true value thereof and be paid for by the allottee taking such lands as his allotment, and the money to be paid into the Treasury of the United States to the credit of the Cherokee Nation.

SEC. 72. Cherokee citizens may rent their allotments, when selected, for a term not to exceed one year for grazing purposes only, and for a period not to exceed five years for agricultural purposes, but without any stipulation or obligation to renew the same; but leases for a period longer than one year for grazing purposes and for a period longer than five years for agricultural purposes and for mineral purposes may also be made with the approval of the Secretary of the Interior and not otherwise. Any agreement or lease of any kind or character violative of this section shall be absolutely void and not susceptible of ratification in any manner, and no rule of estoppel shall ever prevent the assertion of its invalidity. Cattle grazed upon leased allotments shall not be liable to any tribal tax, but when cattle are introduced into the Cherokee Nation and grazed on lands not selected as allotments by citizens the Secretary of the Interior shall collect from the owners thereof a reasonable grazing tax for the benefit of the tribe, and section 2117 of the Revised Statutes of the United States shall not hereafter apply to Cherokee lands.

SEC. 73. The provisions of section 13 of the act of Congress approved June 28, 1898, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," shall not apply to or in any manner affect the land, or other property of said tribe, and no act of Congress or treaty provision inconsistent with this agreement shall be in force in said nation except sections 14 and 27 of said last-mentioned act, which shall continue in force as if this agreement had not been made.

SEC. 74. This act shall not take effect or be of any validity until ratified by a majority of the whole number of votes cast by the legal voters of the Cherokee Nation in the manner following:

SEC. 75. The principal chief shall, within ten days after the passage of this act by Congress, make public proclamation that the same shall be voted upon at a special election to be held for that purpose within thirty days thereafter, on a certain date therein named, and he shall appoint such officers and make such other provisions as may be necessary for holding such election. The votes cast at such election shall be forthwith duly certified as required by Cherokee law, and the votes shall be counted by the Cherokee national council, if then in session, and if not in session the principal chief shall convene an extraordinary session for the purpose, in the presence of a member of the Commission to the Five Civilized Tribes, and said member and the principal chief shall jointly make certificate thereof and proclamation of the result, and transmit the same to the President of the United States.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

Mr. CURTIS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Kansas asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The Chair recognizes the gentleman from Kansas for twenty minutes and the gentleman from Tennessee [Mr. RICHARDSON] for twenty minutes.

Mr. CURTIS. I yield five minutes to the gentleman from Arkansas [Mr. LITTLE].

Mr. LITTLE. Mr. Speaker, I only desire to say in relation to this bill that I feel anxious for its passage. It is one of a number of agreements leading to the final settlement of conditions in the Indian Territory. This bill applies particularly to what is known as the Cherokee Nation, providing for allotment of land and settlement of the affairs of that Territory. It is not an agreement, however, but the bill was prepared by the representatives of the Indian government, together with the Commission, and under the direction of the Secretary of the Interior.

The bill has passed the Senate, has had the careful consideration of the committee of the House, and it is the concurrent opinion of all the committee that it should pass. There never has been, since the present policy of the Government has begun, an agreement obtained with this tribe. It is believed that this bill will receive their ratification, and it is sufficient to say that it must be ratified before it becomes a law. In other words, this is simply a proposition made by the Government to the Indians of this tribe, subject to ratification by them.

Mr. GAINES of Tennessee. I would like to ask the gentleman if it takes care of the property of the Methodist Episcopal Church South in the Indian Territory?

Mr. LITTLE. I will say that the matter to which the gentleman calls my attention was not, in my opinion, properly guarded when the bill was first introduced; but the bill has been amended, and it secures to the church the 160 acres and to all the churches

and denominations in possession of property under the treaty of 1866.

Mr. GAINES of Tennessee. I just learned of the matter this morning, through a letter which I received, and have been investigating it to-day.

Mr. LITTLE. The church retains the property under the article of the treaty of 1866, with all the rights they had and with the additional right to purchase the title outright at \$10 per acre, if they so desire.

Now, Mr. Speaker, I do not care to say anything further unless some gentleman desires information. As far as the bill is concerned, it meets my approval. I believe it is important and necessary for the conduct of the affairs of the Government in reaching a conclusion and a final settlement of the affairs of this tribe. The bill in many particulars is not what I would make if my views alone were consulted, but upon the whole I give it my support as the best that can be obtained under the circumstances, and I hope it will receive the approval of the tribe and hasten the day when each Indian may receive his allotment and the country be prepared for government.

Mr. CURTIS. I reserve the balance of my time, Mr. Speaker. Mr. MOON. Mr. Speaker, the gentleman from Tennessee [Mr. RICHARDSON] requested me to state to the Chair that he desired to yield five minutes to the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Speaker, there is a provision in this bill I object to, but inasmuch as the Committee on Indian Affairs have refused to adopt the amendment I proposed, I can not now present the amendment to this House under the rule of the House. The amendment was proposed at the end of section 30, and is as follows:

Provided, That all persons who have suits now pending in the courts of the Territory to establish the claimants' rights of citizenship and enrollment, and masters in chancery have found in favor of such claimants, such claimants shall have the right to prosecute such suits to final judgment.

I find that among the suits that have been brought in that Territory to establish rights of citizenship, the judges of the Territory have appointed masters in chancery to pass upon many of these cases.

These masters have passed upon the cases and reports are pending before these courts, and these citizens in endeavoring to obtain their rights to enrollment have spent considerable money in the employ of counsel and considerable time and trouble in preparing their cases, and they should, in my judgment, have the right to prosecute their suits to final judgment. If this treaty is adopted, their rights will be lost, the money they have spent in establishing their rights and in bringing their suits will be lost to them entirely, and a great many of them, I understand, have farms in the Territory upon which they have lived for years and will lose if this amendment is not adopted. I do not believe this bill should be passed in this shape.

Mr. CURTIS. I now yield to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, at this late hour in the session I will not attempt to discuss the details of this voluminous bill. This session of Congress marks an epoch in the history of the Indian Territory. We have provided for the Chickasaws, the Choctaws, and the Creeks, and the Kaws in Oklahoma. These several bills make a long step in the direction of complete civilization and individual ownership of the land and of the other steps necessary to entirely change conditions in the Indian Territory.

This bill was drawn by joint committees from the Committees on Indian Affairs of the House and Senate. Much time and labor were bestowed upon it; and while it might be interesting to explain the details of the bill, I only take so much time as is necessary to inform the House as to the methods adopted in endeavoring to prepare a safe bill to meet the conditions in that Territory.

Mr. STEELE. I should like to ask a question in regard to the manner of selling lots on these reservations.

Mr. CURTIS. The same policy is followed as in the other treaties, except that where members of the tribe have already purchased lots from the tribe and are in possession, they are permitted to perfect their title by paying 25 per cent of the appraised value.

Mr. STEELE. How is it in regard to the sale of lots in town sites? Do the proceeds go to the town?

Mr. CURTIS. No; to the nation, because the nation owns the title.

Now, Mr. Speaker, if no one desires to occupy further time, I ask for a vote.

The question being taken, the motion of Mr. CURTIS to suspend the rules and pass the bill was agreed to (two-thirds voting in favor thereof.)

LEAVE TO PRINT.

Mr. DAHLE, by unanimous consent, obtained leave to extend in the RECORD his remarks on free rural delivery.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12086. An act to extend the time for the construction of the East Washington Heights Traction Railroad Company;

H. R. 14082. An act to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak.;

H. R. 12597. An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes;

H. R. 12549. An act granting an increase of pension to Ransom Simmons;

H. R. 11656. An act to incorporate The Society of the Army of Santiago de Cuba;

H. R. 11400. An act to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898;

H. R. 9960. An act to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced;

H. R. 7013. An act granting an increase of pension to James E. Freeman;

H. R. 8209. An act for the relief of P. A. McClain;

H. R. 97. An act to authorize the Secretary of War to furnish certificates in lieu of lost or destroyed discharges;

H. R. 13172. An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes;

H. R. 11171. An act granting a pension to Elizabeth A. Nalley;

H. R. 14019. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes; and

H. R. 5809. An act for the further distribution of the reports of the Supreme Court, and for other purposes.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. R. 118. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Arturo R. Calvo, of Costa Rica;

S. 6091. An act extending the time for making final proof in desert-land entries in Yakima County, State of Washington;

S. 4792. An act relative to control of dogs in the District of Columbia;

S. 4762. An act to prevent any consular officer of the United States from accepting any appointment from any foreign state as administrator, guardian, or to any other office of trust, without first executing a bond, with security, to be approved by the Secretary of State; and

S. 1949. An act to authorize the Secretary of the Navy to appoint George H. Paul a warrant machinist in the Navy.

UNITED STATES COURTS IN ALABAMA.

Mr. WILEY. I move to suspend the rules and pass, with the amendments now included in it, the bill (H. R. 14839) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year.

The bill with the amendments was read, as follows:

Be it enacted, etc., That the circuit court of appeals of the fifth judicial circuit of the United States is hereby authorized and required to hold one term of said court in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year.

SEC. 2. That writs of error, and other appellate proceedings which may, after the date of this act, be taken or prosecuted from the circuit or district courts of the United States in the State of Alabama to the court of appeals of the fifth circuit shall be heard and disposed of by the said court of appeals at the terms of the court held in Montgomery in pursuance of this act: *Provided*, That nothing herein contained shall prevent the court from hearing appeals or writs of error wherever the said court shall sit, in cases of injunctions and in all other cases which under the statutes and the rules, or in the opinion of the court, are entitled to be brought to a speedy hearing.

SEC. 3. That this act shall not operate to prevent the said court from holding other terms in the city of Montgomery or in such other places in the said fifth judicial circuit as said court may from time to time designate.

SEC. 4. That chapter 517 of 26 United States Statutes at Large is hereby amended in accordance with the provisions of this act.

SEC. 5. That the clerk of said court is authorized and permitted to pay out of the fees and emoluments of his office (first) the expenses incurred by him in transporting from his office in New Orleans, La., to Montgomery, Ala., and in transporting from Montgomery, Ala., to New Orleans, La., the records, books, papers, files, dockets, and supplies necessary for the use of the court at its terms to be held in Montgomery, Ala.; (second) an allowance for actual expenses not exceeding ten dollars per day to cover travel and subsistence for each day he may be required to be present at Montgomery, Ala., on business connected with his said office, such expenses and allowance to be approved and allowed by the senior circuit judge of the fifth judicial district.

The question being taken, the motion of Mr. WILEY to suspend the rules and pass the bill was agreed to (two-thirds voting in favor thereof).

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

Mr. COOPER of Wisconsin. Mr. Speaker, I present the report of the committee of conference on the bill providing a civil government for the Philippine Islands. I ask unanimous consent that the report be printed without reading, and that only the statement of the House conferees be read.

There was no objection.

The report was read.

[For conference report see page 7668.]

The statement of the House conferees was read, as follows:

The managers on the part of the House on the disagreeing vote of the two Houses on the amendment of the House to Senate bill No 2235, entitled "A bill temporarily to provide for the administration of affairs of civil government in the Philippine Islands, and for other purposes," state that the Senate have receded from their disagreement to the House amendment, and agree to the same with an amendment in the nature of a substitute, and that the result of this agreement is as follows, to wit:

There were three important points of difference between the two Houses, namely, provisions in the House bill for a legislature; another in relation to lands; and another in relation to coinage. The Senate recedes from its disagreement to the provision for a legislature, and agrees to it with an amendment providing that within two years after the census, provided for in the House bill, has been completed, if, in the meanwhile, a condition of general peace and good order shall have prevailed, the President shall order the Philippine Commission to call, and the Commission shall call, a general election for the choice of delegates to a popular assembly of the people of that portion of the islands not inhabited by Moros and pagan tribes, which shall be known as the Philippine Assembly. As to the qualification of voters, the power of the assembly, and of the legislature, and the qualification of the members of the assembly, the Senate has agreed substantially to the House provisions. This also provides for two commissioners, to be elected by the legislature.

The Senate further recedes from its disagreement to the provisions of the House bill relating to public lands, and agrees to the same with an amendment reducing the amount of land to be held by corporations from 2,000 hectares to 1,024 hectares. The Senate has further agreed to the House provisions restricting the ownership and control by members of corporations, and corporations, of mining and agricultural lands, with additional stringent provisions limiting these holdings.

In the coinage provision reported, the Senate recedes from its provision for the coinage of a Philippine silver dollar, and the House recedes from its provision for the establishment of a gold standard. The report agrees upon the provisions for subsidiary coins and minor coins, the names of which are to be those contained in the House bill, and substantially as provided for in the House bill.

The provisions relating to banks are eliminated from the bill.

The bill contains the legislative limitations and bill of rights, complete, as in the House bill.

The mining provisions of the bill reported are a combination of the provisions of the mining features of the two bills.

Otherwise, the bill does not substantially differ from the bill passed by the House.

HENRY ALLEN COOPER,
SERENO E. PAYNE,
E. D. CRUMPACKER,
Managers on the part of the House.

Mr. COOPER of Wisconsin. Mr. Speaker, I wish to say a word to the House concerning the provisions of the bill reported by the conferees.

Mr. JONES of Virginia. Mr. Speaker, as I understand, under the rule that has been adopted the gentleman from Wisconsin, the chairman of the Committee on Insular Affairs, has now an hour.

The SPEAKER. He has an hour if he desires to use it.

Mr. JONES of Virginia. Will there be any time for this side of the House?

The SPEAKER. The Chair can not answer that question.

Mr. JONES of Virginia. I will ask the gentleman from Wisconsin whether he expects to use all of his hour?

Mr. COOPER of Wisconsin. I will give the gentleman one-half of the time.

One of the chief difficulties in the conference was to reconcile the differences of opinion concerning the coinage provisions of the respective bills. The House bill, the members of the House will remember, provided for the establishment of the gold standard in the Philippines. We wished to establish it there to do away with the evil which is always felt by exporters and importers, where there is a fluctuating currency, with the inevitable charge on incoming and outgoing business.

The Senate, however, were of the opinion that under the provisions of the bill as passed by the House it would be impossible to maintain the gold standard. They were unwilling to adopt the American system of money, as were also the House conferees. The House conferees were absolutely and unalterably opposed to anything looking to the unlimited coinage of a Filipino silver dollar, and therefore it was impossible to reach an agreement otherwise than the one set forth in the conference report. In other words, the status quo is maintained practically, or will be maintained, under the provisions of the reported bill, with the exception that the bill allows the Commission to coin subsidiary coins of the degree of fineness, bearing the names, and of the size of the subsidiary coinage provided for in the original House bill.

The provision concerning franchises has been rendered more strict, if possible, than the original very strict provision in the House bill. A perusal of that provision by the members of the House will make that fact very plain. I have no doubt, nor has anyone who was upon the conference any doubt, that the expli-

tation of the Philippine Islands will be absolutely impossible under this bill. The only doubt in the minds of anyone upon the conference was a doubt expressed by one of the Senate conferees, and approved by his associate conferee, that the bill as now reported is too strict in that regard.

Mr. WILLIAMS of Illinois. Mr. Speaker, will the gentleman permit an interruption?

The SPEAKER. Does the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. WILLIAMS of Illinois. As the bill now stands, the Philippine Commission has the right and power to dispose of public lands substantially as in the House bill, except the limitation as to amount, has it not?

Mr. COOPER of Wisconsin. But it is more strict than that.

Mr. WILLIAMS of Illinois. They still have that power?

Mr. COOPER of Wisconsin. They still have that power; yes, sir.

Mr. WILLIAMS of Illinois. What is the limit as to the number of acres to any corporation?

Mr. COOPER of Wisconsin. It is about 2,500 acres, or 1,024 hectares. We put it in that number, as the gentleman knows from his familiarity with the metric system, to preserve it in rectangular form.

Mr. WILLIAMS of Illinois. They still have the power to lease the timber?

Mr. COOPER of Wisconsin. No, sir; they have the power to grant licenses to cut, under the very stringent provisions, if the gentleman read it, as the Spanish law is reported—

Mr. WILLIAMS of Illinois. How about the disposition of the mineral lands?

Mr. COOPER of Wisconsin. In that respect it is a combination of the two bills. There is a prohibition upon any corporation having one mine and controlling another, and also a prohibition upon a member of a corporation engaged in mining there from being in any way engaged in any other corporation owning a mine. That is carried also to the agricultural lands of the island, and not only that, but instead of the law providing, as we had it, that this provision shall be held to extend to a member of the corporation, we change the phraseology so that it now reads that such a holding in two or more mines shall be unlawful for any member, making it an absolute violation of the law.

Mr. WILLIAMS of Illinois. And this can all be done without submitting the regulations and rules to Congress for its approval, can it not?

Mr. COOPER of Wisconsin. There is a provision which requires the Commission to submit to Congress rules and regulations for the general disposition of the public lands. It will be absolutely impossible before the next session of this Congress to more than touch the very rim, the margin, of the enormous acreage of forests in those islands. There are 73,000,000 acres of land in the islands, and only 5,000,000 of that is under private ownership. There are about 50,000,000 acres of virgin forests untouched for hundreds of years, and, as everybody knows, the Spaniards have been unwilling to do anything with those and unwilling to let anybody else do anything with them.

The result is that for generations there has been utter business stagnation in many parts of the islands. Under this law they can only cut timber under the most rigid restrictions—the restrictions of the Spanish law with such amendments as may be made by the Commission—and no one on the conference, and I think no candid, well-informed person anywhere can have a doubt but that all improper exploitation is absolutely prohibited. The law is similar to the present German and French forestry laws, under which they cut only the matured timber, and do not devastate and lay waste great tracts of forest, as we do in this country, and then have to wait for them to grow up again.

Mr. WATSON. Has the gentleman said anything about the legislative provision?

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from Indiana asks me to say a word about the legislative provision.

The House legislative provision is retained practically intact, with this exception, that instead of the election being ordered by the President and the Commission immediately upon the completion of the census provided for in the original House bill, a period of two years is required to elapse subsequent to the completion of that census, in which there must be general order and peace in the archipelago. Then the provision of the statute will be mandatory, requiring the calling of a general election for a popular assembly of the people of the islands.

Mr. TAWNEY. Can the Commission, in their discretion, order a popular election before the expiration of two years?

Mr. COOPER of Wisconsin. They can not. There must be two years of peace.

Mr. WILLIAMS of Illinois. As the bill now stands, when is this census to be taken? What are the conditions?

Mr. COOPER of Wisconsin. Just the provisions of the original

House bill. As soon as there shall be a condition of general and complete peace throughout the archipelago, the Commission shall certify that fact to the President, and upon being satisfied thereof, the President certifies the fact to the Commission, and the commission then, under the mandatory provision of the bill, are required to proceed with the taking of a census. After the completion of the census, two years of peace having elapsed, the provision again is mandatory that there shall be an election.

Mr. SULZER. Does that mean peace with the Moros also?

Mr. COOPER of Wisconsin. No, sir; only in the territory outside of the Moro and other non-Christian territory.

Mr. SULZER. General peace with the Filipinos?

Mr. COOPER of Wisconsin. General peace with the Filipinos only. I yield to the gentleman from Virginia [Mr. JONES] and reserve the balance of my time.

Mr. BARTLETT. Before the gentleman sits down, may I ask a question?

Mr. COOPER of Wisconsin. Mr. Speaker, I supposed it was understood that I yielded one-half of the hour to the gentleman from Virginia [Mr. JONES.] If necessary I give it again to him and reserve the balance of my time.

Mr. JONES of Virginia. Mr. Speaker, it would be impossible for me in the time at my command to inform the House as to the changes which have been made by the conference committee in the Senate bill as amended in this House. The statement which has been read to the House gives no adequate idea as to the changes which have been made. No member of the House other than the conferees has the slightest conception as to what those changes are. It may be that the gentlemen who sign this statement have not regarded them as of sufficient importance to be mentioned, but the changes involve the provisions of almost every section of this most important measure.

It is true, Mr. Speaker, that the three chief points of difference between the House bill and the Senate bill are those which have been mentioned by the distinguished chairman of the committee; but there are many other provisions in the House bill which have been most materially changed, and members are now expected and required to vote for or against this conference report in utter ignorance of hundreds of its provisions. It seems to me, Mr. Speaker, that we are not so pressed for time, even at this late day in the session, as to be required to vote on a measure of this great importance without the slightest consideration being given to its many new provisions.

In my judgment, this conference report is somewhat an improvement upon the House bill, as well as that of the Senate, and yet this is but my opinion. Other gentlemen are entitled to have opinions of their own—opinions which it is impossible for them to have under the circumstances. The bill as agreed to in conference reduces the number of acres of agricultural land which a corporation may acquire from 5,000 acres, as fixed in the House bill, to 2,500 acres. This is unquestionably an improvement on the House. But, Mr. Speaker, it must be remembered that the Senate bill did not provide for the sale of a single acre of this public land, and in that respect the Senate bill was infinitely a better bill than the House bill.

Mr. WILLIAMS of Illinois. I would like to ask my colleague a question.

Mr. JONES of Virginia. Certainly.

Mr. WILLIAMS of Illinois. As I understood the Senate bill, it did not contain a provision preventing a member of a corporation becoming a stockholder in some other corporation. Is that provision as passed by the House still in the bill agreed upon by the conference?

Mr. JONES of Virginia. I am unable to answer my colleague's question. The Senate bill, I will say to my colleague, contained no provision for the sale of an acre of the public lands in the Philippine Islands, agricultural or other.

Now, Mr. Speaker, so far as I am personally concerned, I would infinitely prefer to see this bill fail, to see Congress adjourn without enacting any legislation for the Philippines, than that a measure so unjust and fraught with so much danger should be imposed upon the Philippine people. I think that the inhabitants of the Philippine Islands would be infinitely better off under the present Taft Commission, acting solely under military authority, than they will be if this bill becomes law. This measure provides that the government of the Philippine Islands shall prepare rules and regulations for the sale and disposition of the public agricultural lands. But it also confers upon the government the authority to go ahead and dispose of these lands before the rules and regulations provided for have been prepared. So that it will be absolutely within the power of the government of the Philippine Islands created by this bill to dispose of every single acre of public lands in the Philippine Islands before a single rule or regulation is framed if this conference report is adopted.

The Senate bill also provides for the preparation of rules and

regulations for the sale of these lands, but until those rules have been prepared and approved by the President and submitted to Congress not an acre of land could be sold under the provisions of the Senate bill.

For this reason, if for none other, I am unable to support this report. The Taft Commission has no power now to sell these lands, and if this legislation should fail they would have none.

A great deal was said during the debate upon this question, when the House bill was under consideration, by gentlemen on the other side of this Chamber concerning the popular-assembly feature of the bill. I would like to ask any gentleman on that side now if he thinks that the provision which has been agreed upon by the conferees is that which the House bill contained when he voted for it.

If this report is adopted, no man is wise enough to say when, if ever, the Philippine people will be permitted to vote for a popular assembly. In the first place, a census must be taken. How long will be required to take a census throughout the Philippine Islands I am unable to say, and I do not think anybody else can say.

Mr. COOPER of Wisconsin. Will the gentleman permit me?

Mr. JONES of Virginia. Certainly.

Mr. COOPER of Wisconsin. Is not the gentleman aware that the House bill contained a provision for a census?

Mr. JONES of Virginia. I am; but after the census here provided for has been taken, it must be printed, and it must be published, and then two years must elapse before the President can issue his proclamation; and he can not issue his proclamation until he is satisfied that there is a condition of general and complete peace throughout the islands. I do not think that any gentleman on this floor believes that the time will come within the next generation when the President will be able to issue this proclamation, if there ever will be a time when he will be able honestly to say that there is general and complete peace in those islands.

Mr. COOPER of Wisconsin. Mr. Speaker, is not the gentleman aware that there has been general and complete peace in all but the non-Christian provinces of the archipelago, except in three, in 84 out of the 87, for practically a year?

Mr. JONES of Virginia. No; I do not know that there has been general and complete peace in the Philippine Islands for practically a year.

Mr. COOPER of Wisconsin. That is the testimony, practically uncontradicted, before our committee; and the testimony of the civil governors is to the same effect.

Mr. JONES of Virginia. I do not know, Mr. Speaker, of any such thing. My information is just to the contrary.

Mr. COOPER of Wisconsin. I mean the Christian provinces.

Mr. JONES of Virginia. The time may come when there will be no organized armed opposition to the United States forces in those islands, but the time has not yet come, if it ever does come, when there is absolute, complete, and general peace throughout the islands; and the President is required to wait for those conditions before he can issue his proclamation. How long it will require to take this census no man can say.

It requires several years to take, print, and publish a census in this country, and if it should require as long in the Philippine Islands the President must wait five or six years before he issues his proclamation, even if he should think that there is there a condition of general and complete peace. If it be true, as General Taft testified when here, if the statement made by him in an article which he recently published in *The Outlook* be well founded, then the Federal party in the Philippine Islands is destined to experience a great disappointment. The members of that party have been led to believe that this Congress would enact legislation which would at once give them a large share in the government of their country. When they learn how far away is the day when they will be permitted to vote for members of a popular legislative assembly, keen, indeed, will be their disappointment.

Mr. Speaker, as one of the House conferees I could not, of course, sign this report, entertaining the views I do. If my aversion to the Republican policy of imperialism were far less deep rooted than it is, I could not support a measure which does not, and is not intended for years to come, to give the Filipinos any share in the government under which they are to live—a government which is expressly empowered to strip the forests of the Philippines of their valuable timbers and to sell every acre of the millions of acres of valuable public agricultural lands there. This measure fastens for years to come upon the Filipinos a government in which they will have no part, but which will nevertheless exercise absolute control over their lives, property, and liberties.

Whilst this bill is entitled a bill to temporarily provide a civil government for the Philippine Islands, there is not a word, a line, or a syllable in it which limits the existence of the government created by it to one year, or ten years, or a hundred years, or a thousand years. This, to me, is an insurmountable objection to it.

More than this, Mr. Speaker, if it were satisfactory to me in other respects, and I believed it to be an improvement on the government in existence in the Philippine Islands now, I could not vote for it. I could never support a measure affecting the rights and liberties of 10,000,000 human beings which did not define what was to be the future policy of our Government in regard to them. They have the right to know what our purposes are. The American people have a right to know. [Applause on the Democratic side.]

Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS of Illinois. Mr. Speaker, the statement of our friends show that both the Senate bill and the House bill have been eliminated and a substitute adopted by the conference committee, and we are to vote upon this substitute without knowing what it is. I am not surprised that the members who intend to support this bill desire to do so with as little information as possible. If I were going to support it I would do as they do, close my eyes and vote for it regardless of what was in it. A great many changes no doubt have been made. There were several differences between the two bills, the Senate bill and the House bill, and we have had a statement which refers to a very few of those differences.

I desire to call your attention briefly to the provision for a legislature in the Philippine Islands. It was rather a harmless provision as passed by the House, but it is made much less harmless to exploiters since it has come back from the conferees. If they should proceed in good faith under that provision, it would probably be five years before they would get a legislative assembly in the Philippine Islands. As it passed the House, it might have been probably two or three years, but it has been extended. It was feared that the time allowed in the House bill would not give the Philippine Commission time to vote away and dispose of the public property of the Filipinos before they had a voice in the legislation.

We first have to have peace. The chairman of the committee says we already have peace. Well, it takes a larger army in the Philippine Islands to maintain peace than in any other country of that size in the world that I know of—more than it took in the whole United States to maintain peace. But admitting that we have peace, we will see whether those who act under this bill will recognize the statement of the gentleman from Wisconsin as true and proceed at once to take this census. Is there any limitation within which the census is to be taken? None. And then two long years are to expire after the census has been taken and published before the Philippine Islands are to have a legislative assembly.

The power is given in this bill to the Philippine Commission to proceed at once, without any legislation, to vote away and dispose of all the valuable land and valuable timber. I do not say timber land, but when you give these timber sharks authority to go into the fine timbers of those islands, establish their mills, and set their men to work, what control will some little American officer have over them in trying to limit them to trees of a certain dimension? There might be some hopes of keeping within regulations if the regulators were not men of the same country and the same people as the exploiters are.

It is not the Filipinos who are to guard and protect the public timber that belongs to their people, but it is an American sent there to guard American exploiters and keep them within certain regulations.

I agree with my colleague from Virginia [Mr. JONES] when he says that he would rather see the Filipino people continue as they now are under the present law than to see the bill before the House enacted into law. Now their public property is safe; it can not be voted away; but the gentleman from Wisconsin will find that when this bill becomes a law, it will not be long before the valuable lands, timbers, franchises, and other desirable public property of the Filipinos will be in the hands of American exploiters, and that is what this bill is for, and it ought to be beaten. [Applause on the Democratic side.]

Mr. JONES of Virginia. Mr. Speaker, I now yield ten minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, as has already been stated, and as must be evident to everyone, in voting upon this conference report we shall vote in the dark, because it is entirely impossible to know what it contains. The gentlemen who are upon the conference committee, and who framed the report, may be supposed to know what it does contain, but the rest of us can not possibly know, and no opportunity will be given for us to learn. The report is not to be printed. It seems to be regarded as necessary that the measure be passed at once, passed in the dark rather than in the light, passed without information rather than with it.

This is not so remarkable or startling after all, because the whole course of legislation on the subject has been in the dark.

Nowhere, at no time, in no degree, has the House or the Senate or the country been informed as to the ultimate purpose of the gentlemen in the majority. They either do not know themselves or, knowing, have not the courage to declare to the country what their purpose is. If they do not know, it seems to me they ought to pause in their legislation until they acquire some knowledge on the subject. If they do know, it must go without saying that their purpose can not be good, or they would not so persistently conceal it.

It is right evident, however, from the general scope of the legislation and the general purpose which has characterized those who project it, that one purpose is to give the Filipino no voice or part in the government of his own land, his own person, his own interests. The rule is to be an alien rule. The model is to be found in the policy of England in Ireland and South Africa and India. We are to follow, I suppose, as closely as we can, the English plan. We are to depart as far as we may from the American scheme of government. We are to proceed upon the theory that the governed have no rights except in submission to those who govern them, no duty except to conform to their rulers' inclinations and interests.

It would have been very startling in this country a short time since if anybody had announced that the American model of government would be abandoned so soon and the English model taken up so passively and so completely. In this land, peopled and enriched with the blood and the brain and the genius of those who fled here from English oppression, it does seem strange and somewhat startling even now that we are to have, under the American flag, and by the act of the American Congress, and through the ministrations of American officers, the English system carried out in the Philippines, with its influence to come back and plague us here at home.

What the fruits will be we can only determine from what they have been. The feeling between England and Ireland is bitter and implacable, not because the Irishman has not the natural elements of affection, for he is warm hearted and loving, but because he has suffered for years and years under alien rule and landlordism and wrong; because the wrongs have sunk so deep into his heart that neither time nor distance can ever eradicate them. So it must be in far away Boerland, where two republics have been destroyed by this policy; where a large portion of the people have been swept off the face of the earth for no greater crime than loving liberty and being attached to their own form of government, and having the courage and manhood to maintain against overwhelming numbers and tremendous odds and for a long period of time a brave resistance.

In all the time given to the preparation of this legislation, in all the hatchings and counselings of the committee, with all the secrecy and furtiveness that have characterized it, clearly some things have been omitted from the bill and the conference report. Not a blow has been struck at slavery or polygamy in the Philippine Islands. When a proposition was submitted here and voted upon in Committee of the Whole to amend this bill so as to prohibit slavery there, the gentlemen on the other side of the Hall voted almost solidly against it. This bill does not interfere, and will not interfere in the slightest degree, with the privileges and prerogatives and perquisites of His Highness the Sultan of Sulu. He still remains in the pay of the freest and best Government of the earth. We give him still \$2,500 a year with which to support his harem and increase his stock of slaves.

This conference report, if we may judge from what we read in the papers this morning, was matured in the calm hours of the Sabbath. The capsheaf of perfection was put upon it in the waning hours of Sunday night and the dawning hours of Monday morning. It was a labor of love, a labor of purity and exaltation, a labor of patriotism, from which the conferees representing this side of the House were excluded as unworthy to participate and not holy enough for these Sabbath-day proceedings of the conferees, though good enough to go to church.

Our Republican brethren, taking counsel of one another, framed and fashioned this conference report in the hours of the Sabbath day and in the watches of the Sabbath night—fashioned it to suit themselves. The Republican conferees being pleased with it, their fellow-members upon that side are prepared to gulp it down without knowing and without caring what is in it. Confident that the interests which it is their purpose to protect—the interest of the exploiter and the promoter, the interest of the man who desires that the Philippine Islands shall be retained for what can be made out of them by him and his friends—confident, I suppose, that these interests have been looked after and protected, they are satisfied; and as for the Filipinos, oh, it makes no difference about them!

The Sultan of Sulu and the datos and the other slaveholders and polygamists have not been interfered with; and as to those humble Christian people—neither slave owners nor polygamists—

who simply fight for liberty and die for liberty, it does not make any difference what becomes of them; that is a bagatelle; let it go!

The hours of Sunday are not long enough—the day is too holy—for any of it to be devoted to work of that kind.

After careful, long, thoughtful deliberation, they are to do what? To make men freer? To increase the opportunities of the ordinary citizen of this country or those unfortunates who dwell in the Philippines? Oh, no. To increase the opportunities for American and English corporations, to broaden the field of their operations, to increase the opportunities of syndicates, to prepare the way for fostering in the Philippine Islands the production of a thousand and one things which may be sold in the markets of the world in deadly competition with the products of free American labor.

The time will come when the laboring men of this country will be compelled to rise up in their might and for self-preservation strike down those who forget them now, and recklessly wrong them here. Every step taken in this legislation, and every act done, every motive displayed, is hostile to the best interests of American citizenship, is against American labor, is contrary to the principles of the American Constitution, is violative of the rights of the Filipinos, and beneficial only to the small coterie who contribute liberally to the campaign fund, and who desire to replenish and to increase their stores by spoils wrested from the Filipinos. And so it goes; so it goes.

Civil government for the Filipinos! Civil government in which the Filipinos do not participate; civil government in which the Filipinos have no part; civil government which the Filipinos do not desire; civil government, not for the benefit of the American citizen, but for the American promoter, the American syndicate organizer, the American capitalist, the American boss, the American contributor to campaign funds, used to corrupt the needy voter, to overcome the judgment of the honest element of American citizens, and win victories by false pretenses and more positive wrong. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. JONES of Virginia. Mr. Speaker, I would ask how much time I have remaining?

The SPEAKER. The gentleman has three minutes remaining. Mr. JONES of Virginia. I yield three minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I would be delighted to discuss this bill, but I shall employ the three minutes I have in referring somewhat to the speech of the gentleman from Indiana [Mr. LANDIS], who a few days ago, as his speech showed, reported in the RECORD at page 7821, stated: "I have on my desk a bill that the gentleman introduced, repealing the war taxes six months after the tax had been repealed," alluding to myself as the gentleman in question. Mr. Speaker, that statement is not true; it is not correct.

On December 7, 1899, I introduced a bill entitled "A bill to amend the war-revenue act, approved June 13, 1898, so as to exempt benevolent orders from its operation." Then follows the provision for stripping these benevolent orders of the burden of stamping their checks, etc. About four months after that, March 2, 1901, the Republican party, following my advice, as usual [laughter], used the suggestion made in my bill and repealed this tax, and it became a law, of course. Some time after that, in July last, I left the United States and went, as you all know, or at least have heard about [laughter], to the Philippine Islands, and returned—

A MEMBER. Why did you not stay there?

Mr. GAINES of Tennessee. Because I wanted to get back under the Constitution of the United States; that is why I did not stay. I wanted to get back into a white man's country, where white men ought to be, and where the Americans ought to stay. Mr. Speaker, I came back. I reached Washington on December 5, late in the afternoon, and on the next day I was sworn in and introduced 44 bills the same day in the House. [Laughter on the Republican side.] Some of these bills have been [followed, as usual, by the Republicans in mapping out legislation that is good. [Laughter.]

Mr. Speaker, it seems I am indispensable to the welfare of the country, at least so long as the Republican party remains in power. [Laughter.] Now, in that great number of bills, hurriedly preparing them in only a few hours, by mistake, by a mere oversight, as you can very easily see, the bill which I had introduced December 7, 1899, and which became a law, was reintroduced December 6, 1901, and I have it here on my desk. Mr. Speaker, was anybody hurt? I do not care anything about that mistake, but another matter I desire—

The SPEAKER. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Speaker—

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] is recognized.

Mr. COOPER of Wisconsin. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has twenty minutes remaining.

Mr. LANDIS. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee may have time to conclude his remarks.

Mr. GAINES of Tennessee. I only want about five minutes.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the gentleman from Tennessee may have five minutes in which to conclude his remarks. Is there objection?

Mr. PAYNE. I object.

The SPEAKER. Objection is made. The gentleman from Wisconsin is recognized.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield one minute to the gentleman from California [Mr. COOMBS].

Mr. COOMBS. Mr. Speaker, I desire to offer a few remarks concerning the particular feature of the bill to establish a civil government for the Philippines which proposes an institution in the way of a popular assembly.

To my mind this is one of the most important essentials of this bill, not in the way of carrying out any promise, expressed or implied, but as an earnest of that effort on our part to provide instruments for the better education of the people of the Philippines and as the forerunner of more comprehensive ideas on their part of the theories and practices of government. I look upon a legislative assembly, or any public gathering under the law, as an instrument for the dissemination of knowledge, and especially knowledge of that peculiar kind the grasp of which is required as a fundamental requisite in popular government.

I happened once to be traveling in a foreign country whose history dates beyond the birth of Christianity. For about twenty-five hundred years war and the desire for war was the only great incentive which fevered the pulse of man and made ambition virtue. It was a people somewhat allied in blood, surely in instincts and habits, with the races inhabiting the Philippine Archipelago. For twenty-five hundred years Japan was divided into factions, where clans fought for mastery, and the feudal system built lordly castles surrounded by moats and hung with trophies, defenses which had swept back the tide of battle waged by a hostile family engaged in the settlement of some petty quarrel between contending provinces.

For 2,500 years Japan waged civil war, and upon the revolution of 1868 armies were disbanded, a constitutional government was formed, parliament began to make laws for the Empire, the people forgot the old wave of battle and the intensity of conflict, and the ancient feud and family quarrel found vent and finally died in the arena of debate.

If it had not been for this popular body, it is probable that Japan would still nourish the old-time hate for the foreigner, which made it unsafe for him to be there during the warlike period of her military rule. The debates of the Diet are printed in the daily papers, men and children read them, and puffed with divine ambition they look for the fulfillment of their desires to that arena rather than to the arena of war.

Mr. Speaker, a President of the United States, a statesman, a historian, and a soldier himself, standing upon the heights of Arlington, that spot upon which the hope of the country lies buried, but above which the halo of a new hope will hover forever, reflecting upon the past pride and glory of the Republic, and inspired by the thought of its great promises, gave voice to the following sentiment:

When they—

Referring to the Philippines—

have shown their capacity for real freedom by their power of self-government, then, and not till then, will it be possible to decide whether they are to exist independently of the United States or to be knit to us by ties of common friendship and interest.

That, Mr. Speaker, is the logical conclusion of a long trial of government by a people as well fitted for government—popular government—without a king, without an emperor, ruled only by the spirit of liberty, as any that has been born to the centuries. If the idea of equality in statecraft is ever to materialize, it is when the American people shall, by example at least, have lifted from thralldom every spirit of freedom upon the globe that has toiled and suffered and hoped for its cause.

It becomes, then, our duty to teach liberty to those children whose lives and happiness have been committed to our care as the results of the war.

The American people to-day are brought face to face with the practical question of working out a government, not for themselves, but for others. If for the moment they have been cruel, it was only to be kind. If for the moment they have spoken daggers, they have used none. If for the moment they have imposed the strong arm of the law, it was that peace and quiet and humanity might ultimately be the end and the rule.

In the light of all the history that is to come, the American

people will be charged with the responsibilities which are to control the fate of men and nations, which is to make what may forever be the balance of power. It must be with a bold hand. It must be with wisdom, and it must be in defiance of that criticism which comes from those who would desire them to fail. The American people to-day have but one desire. It is the desire for peace and humanity. They desire that all the emblems of peace shall wave over the islands; that the banners of chaos shall be furled; that men shall learn their rights in the broadest and profoundest way, and shall exercise them in the face of history.

What is the best method of accomplishing this civilization, this mighty progress, this great enlightenment? In our study of the events of time that method seems best which tends toward thought, toward deliberation, toward study, toward theory; and that method, it seems to me, would be most conducive to peace which tends to scatter light, which animates the mind to its best capacity, where statecraft subdues and takes the place of barbaric arms and tends to turn the sword into a plowshare.

Of all the agencies for the dissemination of this enlightened influence in national life, the greatest is the popular assembly. Its debates, its deliberations, and its laws become the foundation and the stimulus for a written language, out of which grow the chronicles of history, which in turn casts its coloring of poetry and romance and national airs and hymns of patriotism—yes, out of which patriotism rises from each hope uttered and each lofty sentiment expressed by aspiring man.

When some debate upon a question of state is made daily and read daily, men will drop their arms to listen and to read. They will listen to the stories of a new-born glory, and kindle with pride at every new thought of government. Newspapers will spring up and tell of the debates. They will educate the people in government, and the leaders of regiments from the different provinces, men who have been drilled and schooled in the clangor of arms, will become the leaders of thought in this new arena of war.

It is not, then, to fulfill some promise of an independent government that the popular assembly should be created, but with the idea of educating the people in the thoughts and inclinations of government; and in this instance this, it appears to me, would be the chief end and glory of the popular assembly. There the tumult of war would cease and the clash of intellect would take the place of the clashing sword, because it is the inclination of all leaders, it is the trend of all aspirings and all hope to plunge into the tempest of debate rather than into the tempest of war.

There revolution will run its course. There the angry temper will vent itself in angry debate, and in that assembly where the intellect can achieve, out of pride, it will linger; because, whether in civilization or barbarism, the mind rises superior to force, and the arena of one is deserted for the lofty sentiments of the other. An appeal to the mind is the best guard against revolution; for in it can be seen not arbitrary force, not anarchy, not war, but everything that summons the better judgment, everything that is humane, everything that is divine, everything that separates the noble attainments from the base attributes which would have prevailed without it. Debate, history, knowledge, and ambition appeal to the intellect and become the basis of free government and afford an illustration of the practicability of its theories.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, and still further insists upon its amendment No. 91 to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, disagreed to by the House of Representatives, and asks a further conference with the House on the disagreeing votes of the two Houses thereon, and that Mr. HALE, Mr. PERKINS, and Mr. TILLMAN had been appointed the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments a bill of the following title:

H. R. 14050. An act to amend an act to regulate the height of buildings in the District of Columbia.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 2034. An act to pay to Rear-Admiral Winfield Scott Schley, on the retired list, the pay and allowance of rear-admiral on the active list;

S. 4657. An act to aid in the erection of a statue of Commodore John Sloat, United States Navy, at Monterey, Cal.;

S. 5272. An act for the relief of Darwin S. Hall;

S. 6004. An act authorizing and directing the Secretary of the Treasury to pay John F. Weston the sum of \$241.60, etc.;

S. 6045. An act granting an increase of pension to Charles Sprague;

S. 5950. An act for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased;

S. R. 81. Joint resolution to enlarge the use of electric conduits in the District of Columbia; and

S. R. 129. A joint resolution amending an act "to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," passed at the present session of Congress.

The message also announced that the President pro tempore had appointed Mr. COCKRELL a member of the conference committee on the part of the Senate on the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, in place of Mr. TELLER.

PHILIPPINE GOVERNMENT.

Mr. COOPER of Wisconsin. I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT of Massachusetts. Mr. Speaker, the gentleman from Missouri [Mr. DE ARMOND] complains that the Republican party will not announce its purposes. There is an old adage that none are so blind as those who will not see. It is equally true that no one is so dull as those who will not understand. I think the gentleman from Missouri owes his apparent blindness and his dullness not to his lack of faculties, but to his unwillingness to use his faculties. It seems to me it is perfectly clear what is the purpose of the Republican party and what has been its purpose from the beginning.

When those islands came to us the first thing we purposed was to establish peace and order there as soon as possible. Since then we have been steadily endeavoring to put down insurrection, and it seems as if we had about accomplished it. More than that, step by step, as our armies advanced, we have also introduced self-government in municipalities. We have introduced education; we have shown consistently that our purpose was to educate those people and improve them and develop them in self-government. That has been and that will be the purpose of the Republican party. What more could either party do, and what more at present can we promise, because I believe there are not a dozen men on both sides of this House together who do not really believe it will be at least twenty years before these people are fit to govern themselves.

And shall we say now what we are going to do twenty years from now? The Republican party does not equal the other side in prophecy, but it is reliable in action. [Applause on the Republican side.] It grapples with the task before it. We deal with the present and not so much with twenty years from now. What we will do then no one can surely tell. But if we could announce our purpose for the future, why should we express it now. Everyone knows that such an expression would not be binding twenty years from now.

We can not bind the Congress that will meet in the next generation. All we can do is to bind ourselves; and for a Congress to express the purpose to bind some future legislature, which it knows it can not, is, it seems to me, foolish and useless. There was a time when we could have bound future Congresses on this subject, but that time and opportunity has passed forever. For myself, I am perfectly willing to say exactly what I wish and hope. I hope that twenty years from now the Filipinos will be able to govern themselves; and I hope that twenty years from now, or fifty years from now, or ten years from now, whenever they are fit to govern themselves, if they then want independence, the American people will give it to them. [Applause.]

Mr. JONES of Virginia. Mr. Speaker—

Mr. GILLETT of Massachusetts. I can not yield. I have only five minutes. I am sure their independence is more likely to be given to them by the people who to-day constitute the Republican party than by those who constitute the Democratic party. I hope it will be given them, but nobody can tell now what will be the conditions in the East twenty years from now. No one can tell what the relations of the United States to the powers of the world will be twenty years from now. No one can tell what our commerce will demand.

Therefore, inasmuch as we can not possibly bind the legislature which will come into power twenty years from now or perhaps forty years from now—for the time is uncertain—inasmuch as we can not bind them, inasmuch as we can not foresee what the conditions will be and what those conditions will impel, it seems to me the only thing any sensible party can do is to say we will maintain order, we will educate and develop them on American lines in self-government just as fast as we can, and we will

leave the future to the powers and men that will control that future. [Applause on the Republican side.]

Mr. COOPER of Wisconsin. Mr. Speaker, I wish to call the attention of the House to one provision of the bill about which there seems to be a want of knowledge. This provision, which limits the sale of land, provides that it shall be conditioned upon actual and continuous occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser can not alienate or encumber the land or the title thereto.

That will prevent people from buying land, not going near it, and holding it for mere purposes of speculation. It requires cultivation and continuous occupation for five consecutive years, during which time neither the individual nor the corporation can alienate nor encumber the title.

Mr. JONES of Virginia. Mr. Speaker, may I ask the gentleman a question?

Mr. COOPER of Wisconsin. Yes.

Mr. JONES of Virginia. If a corporation should buy 2,500 acres of land, as it is permitted to do under this bill, could not that corporation put a tenant upon one corner of that land, one acre of it, keep him there cultivating that one acre for five years, and in that way comply with the terms of this law?

Mr. COOPER of Wisconsin. Nothing of the sort, and never could be.

Mr. JONES of Virginia. There is nothing which prevents it.

Mr. COOPER of Wisconsin. Anything of the kind intimated by the gentleman from Virginia would not be tolerated for a moment.

Mr. JONES of Virginia. If that be so—

Mr. COOPER of Wisconsin (continuing.) The occupancy must be in good faith, as a matter of law. It must be substantial; it can not be less and meet with the requirements of this bill.

Mr. JONES of Virginia. If what the gentleman says—

Mr. COOPER of Wisconsin (continuing.) The gentleman is a lawyer, and ought to know that.

Mr. JONES of Virginia. If what the gentleman says is true, why, then, is it that the conferees have reduced the acreage which any corporation can get to 2,500 from 5,000 acres, when Governor Taft insists that it ought not to be less than 20,000 acres?

Mr. COOPER of Wisconsin. That is a matter of judgment. It is to meet the criticisms, in part, of such gentlemen as the gentleman from Virginia. A great many people think that there ought to be a larger amount of land allowed corporations in those islands. Many of them are of the opinion that what we allow in this bill is too restricted.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. COOPER of Wisconsin. Certainly.

Mr. MANN. Do I understand the gentleman to say that corporations purchasing this land for cultivation will not be allowed to borrow money at all by mortgage, and that it will not be liable for seizure and execution for debt?

Mr. COOPER of Wisconsin. That is to be the law. They may not encumber it or borrow money on it in any way. The man who goes there is to occupy that land and cultivate it and develop the resources of the country, which for generations have lain uncultivated.

Mr. MANN. Would that include a mortgage upon improvements which might be put upon the land, and which in this country would be a portion of the real estate?

Mr. COOPER of Wisconsin. Anything fixed is subject to this law under the rule of American homestead, I suppose.

Mr. MANN. I assume that the American common law is not prevalent there; and I did not know, but it would seem to me rather onerous on a corporation.

Mr. COOPER of Wisconsin. It would be a part of the land if fixed.

Mr. LACEY. Will the gentleman yield to me for a question?

Mr. COOPER of Wisconsin. Certainly.

Mr. LACEY. In the agricultural land system I notice you have followed the metric system, but as to mines you have adopted the English or American system of feet and inches. Will not that lead to confusion by having different methods for surveys—surveying mining claims, on the one hand, by one system and agricultural lands, on the other hand, by another—adopting two different systems of land measurements in the same country?

Mr. COOPER of Wisconsin. I raised that point in the conference, but the Senate conferees thought it had better be left. They thought 1,000 feet would be easily understood, and that there would be no trouble. Out of deference to them, and in view of the fact that they had yielded upon many points, we yielded in that.

Mr. LACEY. I do not think it is so easily understood.

Mr. COOPER of Wisconsin. I should have preferred it the

other way, and so possibly would my associates, but we yielded out of regard to the wishes of the Senate conferees.

Mr. WILLIAMS of Illinois. Mr. Speaker, I should like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield to the gentleman from Illinois?

Mr. COOPER of Wisconsin. I yield for a question.

Mr. WILLIAMS of Illinois. In answering the gentleman from Virginia, I did not understand the chairman to say whether the occupancy of land by a tenant of a corporation would not be considered an occupancy by the corporation itself under this bill.

Mr. COOPER of Wisconsin. The gentleman did not understand the question of the gentleman from Virginia.

Mr. WILLIAMS of Illinois. Then I will ask that question myself. Whether a corporation may not occupy this land by tenant; and would not that be the only way that it might be occupied and comply with the requirements of this bill?

Mr. COOPER of Wisconsin. The question of the gentleman from Virginia assumed that a corporation might occupy a mere corner of the land—an acre out of 2,500—and that that under the law would be considered an occupancy of 2,500 acres. I said that such a construction of the law would not be tolerated. Such an occupancy would not be in good faith and would not be in accordance with the requirements of the law.

Mr. WILLIAMS of Illinois. This is the question I wanted to ask the gentleman. Then, a corporation under this bill may simply occupy a piece of land by tenant, and it would thus comply with the law and get title?

Mr. COOPER of Wisconsin. No.

Mr. WILLIAMS of Illinois. A corporation can take 2,500 acres under this law?

Mr. COOPER of Wisconsin. They must occupy it in good faith for five years before they can become the owner under this bill. A corporation is an artificial body; it has to occupy it by somebody. The tenants occupy the land, and if they cultivate and improve it for five consecutive years, that meets the requirements of the law.

Now, Mr. Speaker, I ask for the previous question.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the conference report.

Mr. JONES of Virginia. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 148, nays 94, answered "present" 13, not voting 95; as follows:

YEAS—148.

- | | | | |
|----------------|----------------|----------------|-----------------|
| Acheson, | Dahle, | Hughes, | Payne, |
| Alexander, | Dalzell, | Jack, | Pearre, |
| Allen, Me. | Darragh, | Jones, Wash. | Perkins, |
| Aplin, | Davidson, | Joy, | Prince, |
| Babeock, | Dayton, | Kahn, | Ray, |
| Ball, Del. | Deemer, | Knapp, | Reeder, |
| Barney, | Dick, | Knox, | Reeves, |
| Bartholdt, | Dovener, | Kyle, | Roberts, |
| Beidler, | Draper, | Lacey, | Shattuc, |
| Bingham, | Eddy, | Landis, | Showalter, |
| Bishop, | Esch, | Lawrence, | Sibley, |
| Blackburn, | Evans, | Lessler, | Smith, Ill. |
| Boutell, | Fletcher, | Lewis, Pa. | Smith, Iowa. |
| Bowersock, | Foerderer, | Littlefield, | Smith, H. C. |
| Brick, | Foss, | Long, | Smith, S. W. |
| Bristow, | Foster, Vt. | Loud, | Southard, |
| Bromwell, | Fowler, | Loving, | Southwick, |
| Brown, | Gaines, W. Va. | McCleary, | Sperry, |
| Brownlow, | Gardner, Mich. | McLachlan, | Steele, |
| Burk, Pa. | Gibson, | Mahon, | Stewart, N. J. |
| Burke, S. Dak. | Gillett, Mass. | Mann, | Stewart, N. Y. |
| Burkett, | Graff, | Marshall, | Sulloway, |
| Burleigh, | Graham, | Martin, | Tawney, |
| Burton, | Greene, Mass. | Minor, | Taylor, Ohio. |
| Butler, | Grosvenor, | Mondell, | Thomas, Iowa |
| Cannon, | Grow, | Moody, N. C. | Tirrell, |
| Capron, | Hamilton, | Moody, Oreg. | Tompkins, N. Y. |
| Cassel, | Hanbury, | Morgan, | Tompkins, Ohio |
| Conner, | Haskins, | Moss, | Van Voorhis, |
| Coombs, | Hedge, | Mudd, | Vreeland, |
| Cooper, Wis. | Hemenway, | Needham, | Wachter, |
| Cousins, | Henry, Conn. | Nevin, | Wadsworth, |
| Cromer, | Hepburn, | Olmsted, | Wanger, |
| Crumpacker, | Hill, | Overstreet, | Warner, |
| Currier, | Holliday, | Palmer, | Warnock, |
| Curtis, | Hopkins, | Parker, | Watson, |
| Cushman, | Howell, | Patterson, Pa. | Wright. |

NAYS—94.

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|------------|-------------|----------------|-----------------|
| Adamson, | Caldwell, | Flood, | Kern, |
| Allen, Ky. | Candler, | Gaines, Tenn. | Kitchin, Wm. W. |
| Ball, Tex. | Cassingham, | Gordon, | Kleberg, |
| Bankhead, | Clark, | Green, Pa. | Kuntz, |
| Bartlett, | Clayton, | Griffith, | Lamb, |
| Bell, | Cochran, | Hall, | Lanham, |
| Benton, | Cowherd, | Hay, | Lewis, Ga. |
| Bowie, | Davey, La. | Hooker, | Little, |
| Brantley, | Davis, Fla. | Howard, | Livingston, |
| Breazeale, | De Armond, | Jackson, Kans. | Lloyd, |
| Brundidge, | Feely, | Johnson, | McAndrews, |
| Burleson, | Finley, | Jones, Va. | McCall, |
| Burnett, | Fitzgerald, | Kehoe, | McClellan, |

- | | | | |
|-------------|-------------------|----------------|-----------------|
| McCulloch, | Norton, | Rucker, | Sulzer, |
| McDermott, | Padgett, | Ryan, | Swanson, |
| Mahoney, | Pierce, | Shafroth, | Tate, |
| Maynard, | Pugsley, | Sims, | Underwood, |
| Meyer, La. | Randell, Tex. | Slayden, | Wiley, |
| Mickey, | Rhea, Va. | Small, | Williams, Ill. |
| Miers, Ind. | Richardson, Ala. | Snodgrass, | Williams, Miss. |
| Moon, | Richardson, Tenn. | Snook, | Wilson, |
| Mutchler, | Rixey, | Spight, | Zenor. |
| Naphe, | Robinson, Ind. | Stark, | |
| Neville, | Robinson, Nebr. | Stephens, Tex. | |

ANSWERED "PRESENT"—13.

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|--------------|----------|-------------|-----------|
| Adams, | Irwin, | Powers, Me. | Vandiver. |
| Conry, | Mercer, | Skiles, | |
| Emerson, | Metcalf, | Thompson, | |
| Foster, Ill. | Otjen, | Trimble, | |

NOT VOTING—95.

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|-----------------|-----------------|------------------|------------------|
| Bates, | Fox, | Lever, | Selby, |
| Bellamy, | Gardner, N. J. | Lindsay, | Shackelford, |
| Belmont, | Gilbert, | Littauer, | Shallenberger |
| Blakeney, | Gill, | Loudenslager, | Shelden, |
| Boreing, | Gillet, N. Y. | McLain, | Sheppard, |
| Broussard, | Glenn, | McRae, | Sherman, |
| Bull, | Goldfogle, | Maddox, | Smith, Ky. |
| Burgess, | Gooch, | Miller, | Smith, Wm. Alden |
| Calderhead, | Griggs, | Morrell, | Sparkman, |
| Connell, | Haugen, | Morris, | Storm, |
| Cooney, | Heatwole, | Newlands, | Stevens, Minn. |
| Cooper, Tex. | Henry, Miss. | Patterson, Tenn. | Sutherland, |
| Corliss, | Henry, Tex. | Pou, | Talbert, |
| Creamer, | Hildebrandt, | Powers, Mass. | Taylor, Ala. |
| Crowley, | Hitt, | Ransdell, La. | Thayer, |
| De Graffenreid, | Hull, | Reid, | Thomas, N. C. |
| Dinsmore, | Jackson, Md. | Robb, | Tongue, |
| Dougherty, | Jenkins, | Robertson, La. | Weeks, |
| Douglas, | Jett, | Rumple, | Wheeler, |
| Driscoll, | Ketcham, | Ruppert, | White, |
| Edwards, | Kitchin, Claude | Russell, | Woods, |
| Elliott, | Lassiter, | Scarborough, | Wooten, |
| Fleming, | Latimer, | Schirm, | Young. |
| Fordney, | Lester, | Scott, | |

So the conference report was agreed to.

The following additional pairs were announced:

For the session:

Mr. OTJEN with Mr. SHACKLEFORD.

Mr. SHERMAN with Mr. RUPPERT.

Mr. METCALF with Mr. WHEELER.

Until further notice:

Mr. SCOTT with Mr. NEWLANDS.

Mr. EMERSON with Mr. GILBERT.

Mr. POWERS of Massachusetts with Mr. CONRY.

For this day:

Mr. CALDERHEAD with Mr. WOOTEN.

Mr. WOODS with Mr. DOUGHERTY.

Mr. POWERS of Maine with Mr. FOX.

On this vote:

Mr. MORRIS with Mr. SHALLENBERGER.

Mr. HITT with Mr. DINSMORE.

Mr. GILL with Mr. GRIGGS.

Mr. HILDEBRANT with Mr. GOLDFOGLE.

Mr. IRWIN with Mr. GOOCH.

Mr. CORLISS with Mr. LINDSAY.

Mr. SCHIRM with Mr. MADDOX.

Mr. SUTHERLAND with Mr. SPARKMAN.

Mr. STORM with Mr. POU.

Mr. LOUDENSLAGER with Mr. BELMONT.

Mr. WM. ALDEN SMITH with Mr. JETT.

Mr. FOERDERER with Mr. RHEA of Virginia.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. B. F. BARNES, one of his secretaries, who informed the House that the President had approved and signed bills of the following titles:

On June 27, 1902:

- H. R. 292. An act granting a pension to Henrietta Gottweis;
- H. R. 1466. An act granting a pension to Alfred Hatfield;
- H. R. 3770. An act granting a pension to James E. Dickey;
- H. R. 3986. An act granting a pension to Martha A. Corrish;
- H. R. 5877. An act granting a pension to Robert Watts;
- H. R. 6186. An act granting a pension to Carrie D. Farnham;
- H. R. 6402. An act granting a pension to Mary J. Adams;
- H. R. 7353. An act granting a pension to Nancy M. Williams;
- H. R. 7906. An act granting a pension to Martha G. Young;
- H. R. 7986. An act granting a pension to Clara C. Hawks;
- H. R. 8781. An act granting a pension to Mary E. Holbrook;
- H. R. 9717. An act granting a pension to Isaac M. Pangle;
- H. R. 10255. An act granting a pension to Margaret Tisdale;
- H. R. 10794. An act granting a pension to Thomas H. Devitt;
- H. R. 11115. An act granting a pension to Angeline H. Taylor;
- H. R. 11493. An act granting a pension to Mary A. Lipps;
- H. R. 12130. An act granting a pension to Christopher S. Stephens;
- H. R. 12312. An act granting a pension to Susan Walker;

- H. R. 13150. An act granting a pension to James B. Mahan;
 H. R. 13178. An act granting a pension to William F. Bowden;
 H. R. 14012. An act granting a pension to Fannie Reardon;
 H. R. 14118. An act granting a pension to Mary C. Bickerstaff;
 H. R. 14359. An act granting a pension to Luther G. Edwards;
 H. R. 14374. An act granting a pension to Samantha Towner;
 H. R. 884. An act granting an increase of pension to Ellen W. Rice;
 H. R. 945. An act granting an increase of pension to William W. Richardson;
 H. R. 954. An act granting an increase of pension to Rachael Brown;
 H. R. 1478. An act granting an increase of pension to Henry Runnels;
 H. R. 2192. An act granting an increase of pension to Benjamin F. Shearer;
 H. R. 2470. An act granting an increase of pension to Charles P. Maxwell;
 H. R. 2615. An act granting an increase of pension to Charles E. Miller;
 H. R. 3262. An act granting an increase of pension to David T. Bruck;
 H. R. 3263. An act granting an increase of pension to John Revley;
 H. R. 3677. An act granting an increase of pension to James F. Gray;
 H. R. 3768. An act granting an increase of pension to John W. Campbell;
 H. R. 5018. An act granting an increase of pension to Johann Conrad Haas;
 H. R. 5145. An act granting an increase of pension to Thomas Swan;
 H. R. 5146. An act granting an increase of pension to Florian V. Sims;
 H. R. 5328. An act granting an increase of pension to Samuel Bortle;
 H. R. 5866. An act granting an increase of pension to William P. Schott, alias Jacob Schott;
 H. R. 6414. An act granting an increase of pension to William W. H. Davis;
 H. R. 6890. An act granting an increase of pension to Robert G. Scroggs;
 H. R. 6991. An act granting an increase of pension to Esek B. Chandler;
 H. R. 7882. An act granting an increase of pension to John H. Smith;
 H. R. 7922. An act granting an increase of pension to Richard G. Watkins;
 H. R. 8026. An act granting an increase of pension to Joseph D. McClure;
 H. R. 8109. An act granting an increase of pension to William H. McCarter;
 H. R. 8457. An act granting an increase of pension to Gibboney F. Hoop;
 H. R. 8476. An act granting an increase of pension to Moses S. Curtis;
 H. R. 8698. An act granting an increase of pension to Nelson Churchhill;
 H. R. 8780. An act granting an increase of pension to Pierson L. Shick;
 H. R. 9164. An act granting an increase of pension to John H. Crawford;
 H. R. 9366. An act granting an increase of pension to Peter T. Norris;
 H. R. 9463. An act granting an increase of pension to Edgar A. Stanley;
 H. R. 9710. An act granting an increase of pension to Elizabeth J. Eagon;
 H. R. 10172. An act granting an increase of pension to Thomas Finegan;
 H. R. 10767. An act granting an increase of pension to Louisa N. Grinstead;
 H. R. 10899. An act granting an increase of pension to William Warner;
 H. R. 10954. An act granting an increase of pension to Mary J. Gillam;
 H. R. 11327. An act granting an increase of pension to Charles E. Pettis;
 H. R. 11711. An act granting an increase of pension to Isaac Gibson;
 H. R. 11865. An act granting an increase of pension to John A. Robertson;
 H. R. 12047. An act granting an increase of pension to Jackson L. Wilson;
 H. R. 12305. An act granting an increase of pension to Charles Olson;
 H. R. 12408. An act granting an increase of pension to John A. Eveland;
 H. R. 12409. An act granting an increase of pension to Jesse M. Peck;
 H. R. 12724. An act granting an increase of pension to Richard M. Kellough;
 H. R. 12770. An act granting an increase of pension to Carrie M. Schofield;
 H. R. 12774. An act granting an increase of pension to John M. Brown;
 H. R. 12976. An act granting an increase of pension to Jacob Smith;
 H. R. 13017. An act granting an increase of pension to James Austin;
 H. R. 13063. An act granting an increase of pension to Julia B. Shurtleff;
 H. R. 13081. An act granting an increase of pension to Anthony J. Railey;
 H. R. 13321. An act granting an increase of pension to John S. Bonham;
 H. R. 13378. An act granting an increase of pension to Edwin Beckwith;
 H. R. 13423. An act granting an increase of pension to Elizabeth Wall;
 H. R. 13554. An act granting an increase of pension to Andrew E. Hicks;
 H. R. 13597. An act granting an increase of pension to Edmund B. Appleton;
 H. R. 13675. An act granting an increase of pension to George W. White;
 H. R. 13683. An act granting an increase of pension to Ella B. S. Mannix;
 H. R. 13691. An act granting an increase of pension to James M. Conrad;
 H. R. 13946. An act granting an increase of pension to Stephen B. Todd;
 H. R. 14052. An act granting an increase of pension to George Fusselman;
 H. R. 14079. An act granting an increase of pension to John Miller; and
 H. R. 14224. An act granting an increase of pension to Margaret S. Tod.
 On June 28, 1902:
 H. R. 13123. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes;
 H. R. 14802. An act for the purchase of real estate for revenue and customs purposes, at Wilmington, N. C.;
 H. R. 3641. An act for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act, approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc.;
 H. R. 8769. An act for the relief of S. J. Bayard Schindel;
 H. R. 14247. An act to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina;
 H. R. 13650. An act to correct the military record of James M. Olmstead;
 H. R. 10933. An act to provide for the erection, at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which was ordered by Congress on the 8th day of April, 1777, should be erected;
 H. R. 14111. An act to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company;
 H. R. 14691. An act to authorize the construction of a pontoon bridge across the Missouri River, in the county of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa;
 H. R. 3110. An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans;
 H. R. 12097. An act to amend the internal-revenue laws in regard to storekeepers and gaugers;
 H. R. 11019. An act directing the Secretary of the Treasury to bestow medals upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Samuel J. Call, surgeon, all of the Revenue-Cutter Service; and
 H. J. Res. 103. Joint resolution relative to the disposition of patent specifications and drawings in the western district of Pennsylvania.

On June 30, 1902:

H. R. 4556. An act to amend an act entitled "An act to supplement existing laws relating to the disposition of lands, etc.," approved March 3, 1901;

H. R. 6570. An act to amend the act of May 12, 1900, authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps; and

H. R. 9723. An act correcting the record of Levi Wells.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles:

H. R. 13875. An act authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona;

H. R. 14234. An act granting a pension to John Williamson;

H. R. 10321. An act granting an increase of pension to Susan A. Phelps;

H. R. 2494. An act for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

H. R. 11987. An act relating to transportation of dutiable merchandise at supports of Tacoma and Seattle, State of Washington;

H. R. 303. An act for the relief of Sol Bear & Co.;

H. R. 8586. An act amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898;"

H. R. 15270. An act to amend an act entitled "An act authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings ship channel, in Aransas County, Tex.;"

H. R. 367. An act for the relief of Angus A. McPhee;

H. J. Res. 198. Joint resolution giving authority to the Commissioners of the District of Columbia to make special regulations for the occasion of the thirty-sixth national encampment of the Grand Army of the Republic, to be held in the District of Columbia in the month of October, 1902, and for other purposes incident to said encampment; and

H. J. Res. 182. Joint resolution authorizing the Director of the Census to compile statistics relating to irrigation.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 493. An act to amend an act entitled "An act to establish a code of law for the District of Columbia."

BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval the following bills:

H. R. 14019. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes;

H. R. 15003. An act to authorize the construction of a bridge by the New York, Chicago and St. Louis Railroad Company and the Chicago and Erie Railroad Company across the Calumet River at or near the city of Hammond, Ind., at a point about 1,200 feet east of the Indiana and Illinois State line and about 100 feet east of the location of the present bridge of the New York, Chicago and St. Louis Railroad Company across said river; also to authorize the construction of a bridge by the Chicago and State Line Railroad Company across said river at the point where said company's railroad crosses said river in Hyde Park Township, Chicago, Ill., being at the location of the present bridge of said company across said river in said township;

H. R. 10824. An act granting an increase of pension to George E. Bump;

H. R. 8644. An act granting a pension to John W. Thomas;

H. R. 9501. An act to provide for the sale of the unsold portion of the Umatilla Indian Reservation;

H. R. 12026. An act granting an increase of pension to Baley W. Small;

H. R. 10775. An act for the relief of Charles E. Sapp;

H. R. 11273. An act to pay F. Y. Ramsay, heir at law and distributee of the late Joseph Ramsay, \$430.42, for balance due the said Joseph Ramsay as collector of customs and superintendent of lights in the district of Plymouth, N. C.;

H. R. 2487. An act granting an increase of pension to William S. Hosack;

H. R. 11171. An act granting a pension to Elizabeth A. Nalley;

H. R. 7013. An act granting an increase of pension to Jason E. Freeman;

H. R. 12086. An act to extend the time for the construction of the East Washington Heights Traction Railroad Company;

H. R. 12549. An act granting an increase of pension to Ransom Simmons;

H. R. 11400. An act to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898;

H. R. 13172. An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes;

H. R. 9960. An act to prevent the false branding or marking of food and dairy products as to the State or Territory in which they are made or produced;

H. R. 5809. An act for the further distribution of the reports of the Supreme Court, and for other purposes;

H. R. 11656. An act to incorporate the Society of the Army of Santiago de Cuba;

H. R. 12597. An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes;

H. R. 14082. An act to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak.;

H. R. 97. An act to authorize the Secretary of War to furnish certificates in lieu of lost or destroyed discharges; and

H. R. 8209. An act for the relief of P. A. McClain.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, bills of the Senate of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6286. An act prohibiting the killing or taking of seals, porpoises, whales, or marine animals, or fish of any kind in the waters of the United States by means of explosive materials, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

S. 5678. An act providing for record of deeds and other conveyances and instruments of writing in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

S. R. 81. Joint resolution to enlarge the use of electric conduits in the District of Columbia—to the Committee on the District of Columbia.

S. 5950. An act for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased—to the Committee on Claims.

S. 6045. An act granting an increase of pension to Charles Sprague—to the Committee on Invalid Pensions.

S. 6004. An act authorizing and directing the Secretary of the Treasury to pay John F. Weston the sum of \$241.60, etc.—to the Committee on Claims.

S. 5272. An act for the relief of Darwin S. Hall—to the Committee on Claims.

S. 2035. An act to pay to Rear-Admiral Winfield Scott Schley, on the retired list, the pay and allowance of a rear-admiral on the active list—to the Committee on Naval Affairs.

S. 4657. An act to aid in the erection of a statue of Commodore John D. Sloat, United States Navy, at Monterey, Cal.—to the Committee on the Library.

JACOB L. HAUGER.

Mr. PARKER. I submit a conference report on the bill (H. R. 3690) for the relief of Jacob L. Hauger. I ask unanimous consent that the report be printed in the RECORD and that only the statement of the House conferees be read.

The SPEAKER. In the absence of objection, that order will be made.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 3690) for the relief of Jacob L. Hauger, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

RICHARD WAYNE PARKER,

F. W. MONDELL,

House conferees.

F. E. WARREN,

N. B. SCOTT,

F. M. COCKRELL,

Senate conferees.

The statement of the House conferees was read, as follows:

The managers on the part of the House at the conference on the disagreeing vote of the two Houses on the amendments of the Senate to the bill (H. R. 3690) for the relief of Jacob L. Hauger, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on said amendment, namely:

The Senate amendment only changed the language of said bill, which removes the charge of desertion, so as to hold he was absent without leave, instead of granting an honorable discharge.

It is a question of language simply, and this House recedes.

JUNE, 1902.

RICHARD WAYNE PARKER,

F. W. MONDELL,

Managers on the part of the House.

Mr. PARKER. I move the adoption of the report.

The motion was agreed to, and the report was adopted.

ANACOSTIA AND POTOMAC RIVER RAILROAD.

Mr. BABCOCK. I wish to submit a conference report which I send to the desk, together with the statement of the House conferees. I ask that the report be printed and that only the statement be read.

There being no objection, it was ordered accordingly.

The report is as follows:

The Com. of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12805) requiring the Anacostia and Potomac R. R. Co. to extend its 11th street line, and for other purposes, having met, after full conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered one and agree to the same, with an amendment as follows: "In lieu of the proviso proposed to be inserted by the Senate amendment insert 'provided that until the railroad on 11th street is further extended cars may be switched on 11th street between Whitney and Lydecker avenues; and provided further that until provision is made for further extension of the Metropolitan Railroad on old 16th st., cars may be switched on old 16th st. between Grant and Park sts.'"

And the Senate agreed to the same.

That the House recede from its disagreement to the amendment of the Senate No. 2 and agree to the same.

And the Senate agree to the same.

J. W. BABCOCK,
SIDNEY E. MUDD,
ADOLPH MEYER,

Managers on the part of the House of Representatives.

J. H. GALLINGER,
H. B. HANSBROUGH,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

Statement of the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad to extend its Eleventh street line, and for other purposes.

The amendment No. 1, as agreed to in conference, provides for the termination of the extension authorized at Eleventh street and Lydecker avenue, in place of a single track loop around the two squares bounded by Lydecker avenue, Morgan avenue, Spring street, and Eslin avenue, as provided for in the House bill. This will give ample street-car facilities to the residents of that locality at the present time.

The House recedes from amendment No. 2, which extends for two years the time within which the Washington and Gettysburg Railway Company shall construct its lines within the District of Columbia.

J. W. BABCOCK,
SYDNEY E. MUDD,

Managers on the part of the House.

The report was agreed to.

ORDER OF BUSINESS.

Mr. PAYNE. I move that the House now take a recess until 8 o'clock this evening.

Mr. CANNON. Before the question is put on that question, I wish to give notice that at 8 o'clock this evening, if the House takes a recess, I shall submit a conference report on the deficiency appropriation bill.

Mr. FOSS. And I desire to give notice that this evening I shall call up the conference report on the naval appropriation bill.

WITHDRAWAL OF PAPERS.

Pending the motion for a recess—

Mr. GRIFFITH, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of Elymas F. Wilkins, Fifty-sixth Congress, no adverse report having been made thereon.

The question being then taken on the motion of Mr. PAYNE for a recess until 8 o'clock p. m., it was agreed to; and accordingly (at 5 o'clock and 35 minutes p. m.) the House took a recess.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session.

ELECTION CONTEST—WILSON AGAINST LASSITER.

Mr. HASKINS. Mr. Speaker, I desire to submit from the Committee on Elections No. 3 a report on a contested-election case, to be placed on the Calendar and lie over.

The SPEAKER. The Clerk will read the resolutions appended to the report.

The Clerk read as follows:

Resolved, That C. E. Wilson was not elected a Representative to the Fifty-seventh Congress from the Fourth district of the State of Virginia.

Resolved, That F. R. Lassiter was duly elected a Representative to the Fifty-seventh Congress from the Fourth district of the State of Virginia, and is entitled to retain his seat therein.

EFFICIENCY OF THE MILITIA.

Mr. DICK. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read the bill, as follows:

A bill (H. R. 11654) to promote the efficiency of the militia, and for other purposes.

Be it enacted, etc., That the militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than 18 and less than 45 years of age, and shall be divided into three classes—the organized militia, to be known as the

National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories, the National Volunteer Reserve as provided by this act, and the remainder to be known as the Reserve Militia.

SEC. 2. That the Vice-President of the United States, the officers, judicial and executive, of the Government of the United States, the members and officers of each House of Congress, persons in the military or naval service of the United States, all custom-house officers, with their clerks, postmasters and persons employed by the United States in the transmission of the mail, ferrymen employed at any ferry on a post road, artificers and workmen employed in the armories and arsenals of the United States, pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are exempted by the laws of the respective States or Territories shall be exempted from militia duty, without regard to age.

SEC. 3. That the regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of Columbia who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section 1681 of the Revised Statutes of the United States, as amended, whether known and designated as National Guard, militia, or otherwise, shall constitute the organized militia. The organization, armament, and discipline of the organized militia in the several States and Territories and in the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the Regular and Volunteer Armies of the United States within five years from the date of the approval of this act: *Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps.

And provided further, That any corps of artillery, cavalry, and infantry existing in any State at the passage of the act of May 8, 1792, which, by the laws, customs, or usages of the said State have been in continuous existence since the passage of said act under its provisions and under the provisions of section 232 and sections 1625 to 1660, both inclusive, of Title 16 of the Revised Statutes of the United States relating to the militia, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law in like manner as the other militia.

SEC. 4. That whenever the United States is invaded, or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable, with the other forces at his command, to execute the laws of the Union in any part thereof, it shall be lawful for the President to call forth, for a period not exceeding nine months, such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose to such officers of the militia as he may think proper.

SEC. 5. That whenever the President calls forth the militia of any State or Territory or of the District of Columbia to be employed in the service of the United States, he may specify in his call the period for which such service is required, not exceeding nine months, and the militia so called shall continue to serve during the term so specified, unless sooner discharged by order of the President.

SEC. 6. That when the militia of more than one State is called into the actual service of the United States by the President he may, in his discretion, apportion them among such States or Territories or to the District of Columbia according to representative population.

SEC. 7. That every officer and enlisted man of the militia called into the service of the United States in the manner hereinbefore prescribed shall be held to be in such service from the date of the publication of such call; and any officer or man who shall refuse or neglect to obey such call shall be subject to trial by court-martial and shall be punished as such court-martial may direct.

SEC. 8. That courts-martial for the trial of officers or men of the militia, when in the service of the United States, shall be composed of militia officers only.

SEC. 9. That the militia, when called into the actual service of the United States, shall be subject to the same Rules and Articles of War as the regular troops of the United States.

SEC. 10. That the militia, when called into the actual service of the United States, shall, during their time of service, be entitled to the same pay and allowances as are or may be provided by law for the Regular Army.

SEC. 11. That when the militia is called into the actual service of the United States, or any portion of the militia is accepted under the provisions of this act, their pay shall commence from the day of their appearing at the place of company rendezvous. But this provision shall not be construed to authorize any species of expenditure previous to arriving at such places of rendezvous which is not provided by existing laws to be paid after their arrival at such places of rendezvous.

SEC. 12. There shall be appointed in each State, Territory, and District of Columbia an adjutant-general, who shall perform such duties as may be prescribed by the laws of such State, Territory, and District, respectively, and make returns to the Secretary of War, at such times and in such form as he shall from time to time prescribe, of the strength of the organized militia, and also make such reports as may from time to time be required by the Secretary of War. That the Secretary of War shall, with his annual report of each year, transmit to Congress an abstract of the returns and reports of the adjutants-general of the States, Territories, and the District of Columbia, with such observations thereon as he may deem necessary for the information of Congress.

SEC. 13. That the Secretary of War is hereby authorized to issue, on the requisitions of the governors of the several States and Territories, or of the commanding general of the militia of the District of Columbia, such number of the United States standard service magazine arms, with bayonets, bayonet scabbards, gun slings, belts, and such other necessary accoutrements and equipments as are required for the Army of the United States, for arming all of the organized militia in said States and Territories and District of Columbia, without charging the cost or value thereof, or any which have been issued since December 1, 1901, or any expense connected therewith, against the allotment to said State, Territory, or District of Columbia, out of the annual appropriation provided by section 1681 of the Revised Statutes, as amended, or requiring payment therefor, and to exchange, without receiving any money credit therefor, ammunition, or parts thereof, suitable to the new arms, round for round, for corresponding ammunition suitable to the old arms theretofore issued to said State, Territory, or District by the United States: *Provided*, That said rifles and carbines and other property shall be receipted for and shall remain the property of the United States and be annually accounted for by the governors of the States and Territories as now required by law, and that each State, Territory, and District shall, on receipt of the new arms, turn in to the Ordnance Department of the United States Army, without receiving any money credit therefor, and without expense for transportation, all United States rifles and carbines now in its possession.

To provide means to carry into effect the provisions of this section, the necessary money to cover the cost of exchanging or issuing the new arms,

accouterments, equipments, and ammunition to be exchanged or issued hereunder is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

SEC. 14. That whenever it shall appear by the report of inspections, which it shall be the duty of the Secretary of War to cause to be made at least once in each year by officers detailed by him for that purpose, that the organized militia of a State or Territory or of the District of Columbia is sufficiently armed, uniformed, and equipped for active duty in the field, the Secretary of War is authorized, on the requisition of the governor of such State or Territory, to pay to the quartermaster-general thereof, or to such other officer of the militia of said State as the said governor may designate and appoint for the purpose, so much of its allotment out of the said annual appropriation under section 1661 of the Revised Statutes as amended as shall be necessary for the payment, subsistence, and transportation of such portion of said organized militia as shall engage in actual field or camp service for instruction, and the officers and enlisted men of such militia while so engaged shall be entitled to the same pay, subsistence, and transportation or travel allowances as officers and enlisted men of corresponding grades of the Regular Army are or may hereafter be entitled by law, and the officer so designated and appointed shall be regarded as a disbursing officer of the United States, and shall render his accounts through the War Department to the proper accounting officers of the Treasury for settlement, and he shall be required to give good and sufficient bonds to the United States, in such sums as the Secretary of War may direct, faithfully to account for the safekeeping and payment of the public moneys so intrusted to him for disbursement.

SEC. 15. That the Secretary of War is hereby authorized to provide for participation by any part of the organized militia of any State or Territory on the request of the governor thereof in the encampment, maneuvers, and field instruction of any part of the Regular Army at or near any military post or camp or lake or seacoast defenses of the United States. In such case the organized militia so participating shall receive the same pay, subsistence, and transportation as is provided by law for the officers and men of the Regular Army, to be paid out of the appropriation for the pay, subsistence, and transportation of the Army: *Provided*, That the command of such military post or camp and of the officers and troops of the United States there stationed shall remain with the regular commander of the post without regard to the rank of the commanding or other officers of the militia temporarily so encamped within its limits or in its vicinity.

SEC. 16. That whenever any officer of the organized militia shall, upon recommendation of the governor of any State, Territory, or general commanding the District of Columbia, and when authorized by the President, attend and pursue a regular course of study at any military school or college of the United States such officer shall receive from the annual appropriation for the support of the Army the same travel allowances and quarters, or commutation of quarters, to which an officer of the Regular Army would be entitled if attending such school or college under orders from proper military authority, and shall also receive commutation of subsistence at the rate of \$1 per day while in actual attendance upon the course of instruction.

SEC. 17. That the annual appropriation made by section 1661, Revised Statutes as amended, shall be available for the purpose of providing for issue to the organized militia any stores and supplies or publications which are supplied to the Army by any department. Any State, Territory, or the District of Columbia may, with the approval of the Secretary of War, purchase for cash from the War Department, for the use of its militia, stores, supplies, material of war, or military publications, such as are furnished to the Army, in addition to those issued under the provisions of this Act, at the price at which they are listed for issue to the Army, with the cost of transportation added, and funds received from such sales shall be credited to the appropriations to which they belong and shall not be covered into the Treasury, but shall be available until expended to replace therewith the supplies sold to the States and Territories and to the District of Columbia in the manner herein provided.

SEC. 18. That each State or Territory furnished with material of war under the provisions of this or former acts of Congress shall, during the year next preceding each annual allotment of funds, in accordance with section 1661 of the Revised Statutes as amended, have required every company, troop, and battery in its organized militia not excused by the governor of such State or Territory to participate in practice marches or go into camp of instruction at least five consecutive days, and to assemble for drill and instruction at company, battalion, or regimental armories or rendezvous or for target practice not less than 24 times, and shall also have required during such year an inspection of each such company, troop, and battery to be made by an officer of such militia or an officer of the Regular Army.

SEC. 19. That upon the application of the governor of any State or Territory furnished with material of war under the provisions of this act or former laws of Congress, the Secretary of War may detail one or more officers of the Army to attend any encampment of the organized militia, and to give such instruction and information to the officers and men assembled in such camp as may be requested by the governor. Such officer or officers shall immediately make a report of such encampment to the Secretary of War, who shall furnish a copy thereof to the governor of the State or Territory.

SEC. 20. That upon application of the governor of any State or Territory furnished with material of war under the provisions of this act or former laws of Congress, the Secretary of War may, in his discretion, detail one or more officers of the Army to report to the governor of such State or Territory for duty in connection with the organized militia. All such assignments may be revoked at the request of the governor of such State or Territory or at the pleasure of the Secretary of War.

SEC. 21. That the troops of the militia encamped at any military post or camp of the United States may be furnished such amounts of ammunition for instruction in firing and target practice as may be prescribed by the Secretary of War, and such instruction in firing shall be carried on under the direction of an officer selected for that purpose by the proper military commander.

SEC. 22. That when any officer, noncommissioned officer, or private of the militia or of the national volunteer reserve is disabled by reason of wounds or disabilities received or incurred in the service of the United States he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer, noncommissioned officer, or private dies in the service of the United States or in returning to his place of residence after being mustered out of such service, or at any time, in consequence of wounds or disabilities received in such service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

SEC. 23. That for the purpose of securing a list of persons specially qualified to hold commissions in any volunteer force which may hereafter be called for and organized under the authority of Congress, other than a force composed of organized militia, the Secretary of War is authorized from time to time to convene boards of officers at suitable and convenient Army posts in different parts of the United States, who shall examine as to their qualifications for the command of troops or for the performance of staff duties all applicants who shall have served in the Regular Army of the United States, in any of the volunteer forces of the United States, or in the organized militia of any State or Territory or District of Columbia, or who, being a citizen

of the United States, shall have attended or pursued a regular course of instruction in any military school or college of the United States Army, or shall have graduated from any educational institution to which an officer of the Army or Navy has been detailed as superintendent or professor pursuant to law after having creditably pursued the course of military instruction therein provided.

Such examinations shall be under rules and regulations prescribed by the Secretary of War, and shall be especially directed to ascertain the practical capacity of the applicant. The record of previous service of the applicant shall be considered as a part of the examination. Upon the conclusion of each examination the board shall certify to the War Department its judgment as to the fitness of the applicant, stating the office, if any, which it deems him qualified to fill, and upon approval by the President, the names of the persons certified to be qualified shall be inscribed in a register to be kept in the War Department for that purpose.

The persons so certified and registered shall, subject to a physical examination at the time, constitute the eligible class for commissions pursuant to such certificates in any volunteer force hereafter called for and organized under the authority of Congress, other than a force composed of organized militia, and the President may authorize persons from this class to attend and pursue a regular course of study at any military school or college of the United States and to receive from the annual appropriation for the support of the Army the same allowances and commutations as provided in this act for officers of the organized militia: *Provided*, That no person shall be entitled to receive a commission as a second lieutenant after he shall have passed the age of 30; as first lieutenant after he shall have passed the age of 35; as captain after he shall have passed the age of 40; as major after he shall have passed the age of 45; as lieutenant-colonel after he shall have passed the age of 50, or as colonel after he shall have passed the age of 55: *And provided further*, That such appointments shall be distributed proportionately, as near as may be, among the various States contributing such volunteer force: *And provided*, That the appointments in this section provided for shall not be deemed to include appointments to any office in any company, troop, battery, battalion, or regiment of the organized militia which volunteers as a body or the officers of which are appointed by the governor of a State or Territory.

SEC. 24. That for the purpose of providing a reserve force of trained men which shall be ready for immediate service whenever called for and organized under authority of Congress, the Secretary of War is authorized to apportion among the several States and Territories and to enroll not exceeding 100,000 men, who shall have served in the Regular or Volunteer Armies of the United States or in the organized militia. Such reserve force shall be designated as the National Volunteer Reserve, and when called forth by the President shall serve wherever ordered, within or without the territory of the United States. Such enrollment shall in each case continue for a period of five years, but in the event they shall be called into the service of the United States, other than for the purpose of drill, inspection, and instruction, they shall be entitled to be discharged at the close of the war or after nine months' service.

The persons so enrolled shall report for drill, inspection, and instruction at such times and places to be specified and under rules and regulations to be prescribed by the Secretary of War, and each person so reporting shall, during the time of such service, be subject, as far as practicable, to the regulations and discipline governing the military establishment and shall be entitled to the same pay and allowances as are or may be provided by law for the Army of the United States, to be paid out of the appropriation for the pay of the Army, but in time of peace, except in case of threatened invasion, said National Volunteer Reserve shall not be required to perform military duty to exceed ten days in any one year. Whenever a volunteer force shall be called for by authority of Congress, and the members of any companies, troops, batteries, battalions, or regiments of the organized militia shall enlist in the Volunteer Army in bodies, such companies, troops, batteries, battalions, or regiments shall be received as the first organizations of such volunteer force.

Whenever a volunteer force shall be called for by authority of Congress, exceeding in number the companies, troops, batteries, battalions, and regiments of the organized militia which shall enlist in bodies pursuant to the provisions of section 6 of the act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, the persons so enrolled as a reserve force of trained men, or so many thereof as shall be required, shall be organized in the manner provided for the organization of the volunteer force by section 12 of the act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," approved March 2, 1899: *Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: *Provided further*, That no person shall belong to both organizations at the same time.

SEC. 25. That all the volunteer forces of the United States called for by authority of Congress shall, except as hereinbefore provided, be organized in the manner provided by the act entitled "An act to provide for temporarily increasing the military establishment in time of war, and for other purposes," approved April 22, 1898.

SEC. 26. That sections 1625 to 1660, both included, of Title XVI of the Revised Statutes, and section 232 thereof, relating to the militia, are hereby repealed.

SEC. 27. That this act shall take effect upon the date of its approval.

Mr. STARK. Mr. Speaker, I ask that a second be ordered.

The SPEAKER. The gentleman from Nebraska demands the second.

Mr. DICK. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Ohio asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. STARK. I have no objection.

The SPEAKER. The Chair hears none. The Chair recognizes the gentleman from Ohio for twenty minutes, and the gentleman from Nebraska will control twenty minutes.

Mr. DICK. Mr. Speaker, very briefly, for the information of the House, I will state that this bill is the bill which was unanimously reported by the Committee on Militia on March 20. Now I yield to my colleague, the gentleman from Nebraska [Mr. STARK].

Mr. BARTLETT. Mr. Speaker, before the gentleman from Ohio takes his seat, I would like to ask him a question.

The SPEAKER. Does the gentleman yield?

Mr. DICK. Certainly.

Mr. BARTLETT. I desire to ask the gentleman if he proposes to amend section 8 of this bill?

Mr. DICK. The amendment to which the gentleman refers has been accepted by the committee and was read in accordance with the agreement I had with the committee this afternoon.

Mr. ROBINSON of Indiana. Mr. Speaker, I would like to ask the gentleman from Ohio a question.

The SPEAKER. Does the gentleman yield to the gentleman from Indiana?

Mr. DICK. Yes.

Mr. ROBINSON of Indiana. Mr. Speaker, I would like to ask the gentleman from Ohio if this is a general reorganization of the militia of the various States?

Mr. DICK. It is.

Mr. ROBINSON of Indiana. Concerning each of the States?

Mr. DICK. Yes.

Mr. ROBINSON of Indiana. And how many men will be affected or governed by this act?

Mr. DICK. The militia of the United States, whatever it may amount to.

Mr. ROBINSON of Indiana. Will the gentleman give us about the number of men?

Mr. DICK. If the gentleman refers to the unenrolled militia, as it is now termed, there would be 10,000,000 of them. Of the organized militia, 115,000.

Mr. ROBINSON of Indiana. The gentleman's committee reported this bill in March?

Mr. DICK. Yes.

Mr. ROBINSON of Indiana. May I ask the gentleman if he has asked the Committee on Rules for consideration of this measure when Congress was not in its closing hours?

Mr. DICK. No; it was on the Calendar, and has been waiting its turn on the Calendar.

Mr. CLAYTON. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield to the gentleman from Alabama?

Mr. DICK. Yes.

Mr. CLAYTON. I desire to ask the gentleman from Ohio a question in regard to sections 23 and 24 of the bill. These two sections seem to engraft upon our militia laws entirely new provisions. The sections 23 and 24 seem to provide for the creation of a "national volunteer reserve," as it is called, and it seems that the officers for this national volunteer reserve are all to be appointed by Federal authority, under regulations laid down here, and I see that by section 24 the Secretary of War is authorized to enroll not exceeding 100,000 men in this new force called the national volunteer reserve. Now, all of those 100,000 men and all of those additional officers appointed by the President or under Federal authority constitute an entirely new provision under our militia law, as I understand it.

Mr. DICK. It is a new provision; yes, sir.

Mr. CLAYTON. I would like to have an explanation of that—the provisions of the bill to be found in sections 23 and 24—and I ask the House to scan those two provisions of the bill before voting for it, inasmuch as we can not debate the bill.

Mr. DICK. Section 23, providing for the officers, simply provides for the examination of men competent to hold commissions in the Army, providing a system of examination, and furthermore provides that they shall be apportioned as nearly as may be among the States. In other words, it follows as near as possible the law which we now have referring to volunteer officers.

Mr. CLAYTON. Now, Mr. Speaker—

Mr. DICK. Just a moment.

Mr. CLAYTON. In connection with that—

The SPEAKER. The gentleman is answering the question of the gentleman from Alabama.

Mr. DICK. I wanted to answer both the gentleman's questions at one time, if possible.

Mr. CLAYTON. Then, I desire to ask the gentleman another question in that connection.

Mr. DICK. I can best answer the question with reference to section 24 by a published letter of the Secretary of War, inasmuch as it is a correct interpretation of the section and at the same time would imply how the Department which will execute and administer this law, if it becomes a law, views this section. And if the House will permit, I will send the letter to the Clerk's desk and have it read.

The SPEAKER. The letter will be read in the time of the gentleman from Ohio.

The Clerk read as follows:

WAR DEPARTMENT, Washington, June 13, 1907.

MY DEAR SIR: I thank you for your letter of June 7 relating to clause of the Dick bill which has reference to the so-called reserve force of 100,000 men, and saying that there is an impression in some States that the enrollment of such a reserve force would be inimical to the best interests of the National Guard.

I think such an impression must necessarily be founded upon a misunderstanding as to the true meaning and effect of the bill. The proposed enrollment of not exceeding 100,000 veterans, who have been graduated from the Regular Army, the volunteers, and the National Guard, is carefully subordinated by the bill to the National Guard itself, which has a preference of liberal treatment in peace and opportunity in war definitely secured to it by the bill.

The National Guard is practically made a first reserve so far as it elects to become so, while the proposed enrollment of veterans practically takes the place of a second or volunteer reserve, to be called into service only when any other volunteer organization would be called into service, and the great effect produced being that after the Regular Army and after the National Guard we shall have a volunteer force, the first regiments of which are composed of experienced and trained soldiers who have seen service and have then gone back to civil life.

As we have a three years' term of enlistment in the Regular Army, approximately one-third of the 60,000 go out each year on the expiration of their enlistment. After making allowance for reenlistment, nearly 20,000 a year will be regularly going back into civil life. We want to keep track of those young men and be able to call them out instantly whenever war comes and have the first volunteer regiments composed of them and of the young men who have seen service and graduated from the volunteer regiments of the war with Spain, and who have seen service in the National Guard and have graduated from that.

Until war comes we will simply keep track of these men by enrollment. When the war comes they will be organized and put into the field ready for immediate service while the other volunteer regiments are being trained. There is no doubt that by this expedient we will save months of valuable time in the organization of a very considerable force, but so far as the National Guard is concerned it will make no difference, because under the bill the National Guard organizations come first.

I am very glad to be assured by your letter of your belief in the bill, and I assure you that your valuable support for its provisions is appreciated. I am confident that when it is enacted and put into force the organization and regulation of the citizen soldiery, upon whom our country must in the main rely in all future wars, will be far more efficient than it has ever been before, and that it will give to the United States at a minimum of expense a defensive power greater than could be obtained by the expenditure of millions of dollars annually in maintaining a larger standing army, and I am also confident that it will greatly promote the practical importance, the dignity, and efficiency of the National Guard throughout the United States.

Sincerely, yours,

ELIHU ROOT, Secretary of War.

Mr. CLAYTON. Mr. Speaker, may I now interrupt the gentleman?

The SPEAKER. Does the gentleman yield again to the gentleman from Alabama?

Mr. CLAYTON. I desire simply to call the gentleman's attention, in connection with these two sections, to a provision of the Constitution.

Mr. DICK. Mr. Speaker, I must decline to yield, there are so many who want to talk upon the measure in the twenty minutes allotted to me.

Mr. COWHERD. Will the gentleman allow me to ask him a question?

Mr. DICK. I yield to the gentleman from Nebraska [Mr. STARK], a member of the committee.

Mr. CLAYTON. I should like to ask the gentleman how he reconciles this bill with the provision of the Constitution "to provide for organizing, arming, disciplining, * * * the militia, * * * reserving to the States respectively the appointment of the officers and the authority of training the militia," etc.

The SPEAKER. The gentleman from Alabama must recognize the fact that the gentleman from Ohio has declined to yield further. The gentleman from Nebraska [Mr. STARK] has the floor for twenty minutes.

Mr. STARK. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. McCLELLAN].

Mr. McCLELLAN. Mr. Speaker, under our system of Army organization the Regular Army can only be and ought only to be a nucleus which in time of war can be expanded sufficiently to make a first line of defense to hold off invasion, so that volunteer regiments can be organized behind it to constitute the main army.

Under the present Army law there is a certain amount of elasticity. The Army may be expanded up to a maximum of a hundred thousand men; but in view of our insular possessions and the necessary garrisons for them and for Hawaii and Porto Rico, the present Army in time of war would be absolutely insufficient. It is necessary, if invasion is to be repelled, to provide some second line of defense, and the Dick bill attempts to do so.

The bill is not perfect by any manner of means, but it is the best that can be expected under the circumstances, and reflects the greatest credit upon the chairman of the committee [General DICK] and upon his colleague, the head of the minority [Mr. STARK], who have compromised many differences and have presented to us a bill that should be voted for by every member of this House, regardless of politics.

The bill provides for a general similarity of organization of all the militia in the United States. It provides that all the militia shall be equipped and armed with United States arms and equipment, and, moreover, that the apportionment of the million dollars annually appropriated shall not be made unless each of the militia organizations of the several States shall have performed at least five days' service in camp with troops and 24 drills in armory. Now, this of course is not sufficient to make a fully organized and well-drilled militia, but five days in the field and twenty-four

days in armory are certainly better than nothing, and a militia that has gone through this experience for some years will unquestionably be better than absolutely raw troops. Moreover, it provides for rifle practice, and this is a most excellent provision.

Sections 23 and 24, providing for the examination and the partial training of officers, and for the organization of a national volunteer reserve, are probably the best features of the bill. The officers provided for in section 23 must follow a course of instruction at schools designated by the War Department. They will associate with regulars; they will receive instruction from regulars; and having been instructed and having passed examinations, they will be placed upon lists from which they can be taken, in the order in which they have passed their examinations, to receive commissions in the volunteer service in case of war.

The national volunteer reserve provided for by the bill is what may be called "a third line of defense." It will consist of men who have been discharged from the regulars and from the volunteers, and may be drilled for ten days every year. It will certainly be fairly well drilled, and in case of war can in a very short time be knocked into shape as a passable volunteer force, and commanded by men who have received the rudiments of a military education. While, as I say, the bill is by no means perfect, while I should like to see the five days' service extended possibly to two or three weeks and made obligatory, this bill is at the same time a tremendous step in the right direction, and should be passed by the House of Representatives to-night. [Applause.]

Mr. STARK. I yield two minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I hold in my hand a statement of the appropriations which have been made this year, and also a comparative statement of appropriations made for several years back, which statement I desire to incorporate in the remarks that I am going to make.

The SPEAKER. Does the gentleman desire to have the statement read now?

Mr. HAY. No, sir; I desire leave to incorporate it in my remarks.

The SPEAKER. Without objection, the gentleman from Virginia will have that privilege.

There was no objection.

The statement is as follows:

Appropriations of the Fifty-seventh Congress, first session.

[Omitting hundreds.]

Urgent deficiency	\$20,384,000
Pension	199,842,000
Consular and diplomatic	1,958,000
Second urgent deficiency	193,000
Post-Office	133,472,000
Third urgent deficiency	75,000
Legislative, executive, and judicial	25,338,000
Ordinance and fortifications	7,299,000
Fourth urgent deficiency	178,000
Omnibus claims bill	1,640,000
Agricultural	5,210,000
Rivers and harbors	65,108,000
Omnibus public buildings bill	19,425,000
Indian	9,089,000
Sundry civil	69,125,000
District of Columbia	3,545,000
Military Academy	2,627,000
Panama canal (one year)	189,130,000
Army	91,530,000
Navy	78,681,000
General deficiency	8,250,000
Miscellaneous	2,250,000
Permanent appropriations	123,000,000
Total	998,403,000

COMPARISONS WITH THE PREVIOUS YEARS.

Comparisons with all previous years show the appropriations of this session to have been in excess of those in any previous session of Congress, and far in excess of all except the second session of the Fifty-fifth Congress, in which there was an extraordinary deficiency bill of nearly \$950,000,000, on account of the Spanish war. Leaving out this particular instance, the totals of recent years foot up in round numbers as follows:

For 1903, about	\$.....
For 1902, about	620,000,000
For 1901, about	610,000,000
For 1900, about	610,000,000
For 1899, about	450,000,000
For 1897, about	440,000,000
For 1896, about	430,000,000

The pensions appropriations have remained practically stationary for some time past. In the present year's appropriations the consular and diplomatic bill, the legislative, executive, and judicial bill, the agricultural bill, and the District of Columbia bill all show considerable increases over last year and previous years, amounting on an average to one million or so apiece over last year's bills. The Military Academy bill has jumped up to about four times as much as it ever was before, and a great increase is seen in the sundry civil bill and in the rivers and harbors bill. Comparisons in regard to the sundry civil bill are as follows:

For 1903, about	\$80,000,000
For 1902, about	54,000,000
For 1901, about	49,000,000
For 1900, about	39,000,000
For 1899, about	34,000,000
For 1897, about	30,000,000

Comparisons in regard to rivers and harbors are as follows:

For 1903, about	\$65,000,000
For 1902, about	7,000,000
For 1901, about	16,000,000
For 1900, about	25,000,000
For 1899, about	15,000,000
For 1898, about	19,000,000
For 1897, about	16,000,000
For 1896, about	11,000,000

It will be seen that this year's river and harbor bill is nearly three times as large as the largest preceding river and harbor bill.

Comparisons as to the Navy bill also follow:

For 1903, about	\$79,000,000
For 1902, about	78,000,000
For 1901, about	61,000,000
For 1900, about	48,000,000
For 1899, about	56,000,000
For 1898, about	33,000,000
For 1897, about	30,000,000
For 1895, about	25,000,000

It will thus be seen that this year's naval bill is the largest on record; at least since the civil war.

The Army bill, while not as large as that of last year, is more than three times as large as in any year previous to the Spanish war and since the civil war.

Mr. HAY. I desire to call attention to the statement of the Secretary of War as to expenditures in the Philippine Islands. Fifty thousand soldiers have been kept in the Philippine Islands for each of the last three years.

It is also a well-known fact that each soldier costs \$1,500, which makes \$225,000,000 for the last three years for the soldiers kept there, besides the \$20,000,000 that we paid, making \$245,000,000 which has been spent. Add to this the \$170,000,000 reported by the Secretary of War. I also want to call attention in the very brief time I have to the fact that there are other expenses incident to our occupation of the Philippines which, together with those I have named, amount to \$500,000,000.

I want to call attention to a further fact, that by a recorded vote, and several recorded votes, in this House the Republicans have refused information upon all the different questions which we desire to know about as to the expenditures in those islands. I want further to call attention to the fact that we need light, and the people of this country need light, and more light, upon the different expenditures which this country has been put to on account of those islands, more particularly as to the expenses in Cuba, which have been by vote of this House smothered, so that no man in this country can tell how the money of this country or the money of Cuba has been spent during our occupation there. [Applause on the Democratic side.]

Mr. STARK. I yield the balance of my time to the gentleman from Alabama.

Mr. CLAYTON. Mr. Speaker, it is impossible in that length of time to point out the many defects and imperfections of this bill. Indeed, Mr. Speaker, in that length of time it is impossible to make a distinct and succinct statement of the provisions in this bill. It is impossible to review any one of the defects and shortcomings of this bill which the gentleman from New York, a friend of this measure, has admitted that it contains.

The House has not had any time for the proper consideration of this bill. Its merits may be told in glowing terms, but its demerits can not now, under the motion of the gentleman from Ohio [Mr. DICK], be pointed out. His motion cuts off proper consideration and limits debate to a few minutes, which is controlled by the friends of the measure.

But let me hurriedly read sections 23 and 24 of the bill. I have not had time to study them, for this bill has been called up in the closing hours of the session without having been considered in the Committee of the Whole, and it is sought to now rush it through without opportunity of amendment. Let me read sections 23 and 24.

SEC. 23. That for the purpose of securing a list of persons specially qualified to hold commissions in any volunteer force which may hereafter be called for and organized under the authority of Congress, other than a force composed of organized militia, the Secretary of War is authorized from time to time to convene boards of officers at suitable and convenient Army posts in different parts of the United States, who shall examine as to their qualifications for the command of troops or for the performance of staff duties all applicants who shall have served in the Regular Army of the United States, in any of the volunteer forces of the United States, or in the organized militia of any State or Territory or District of Columbia, or who, being a citizen of the United States, shall have attended or pursued a regular course of instruction in any military school or college of the United States Army, or shall have graduated from any educational institution to which an officer of the Army or Navy has been detailed as superintendent or professor pursuant to law after having creditably pursued the course of military instruction therein provided.

Such examinations shall be under rules and regulations prescribed by the Secretary of War, and shall be especially directed to ascertain the practical capacity of the applicant. The record of previous service of the applicant shall be considered as a part of the examination. Upon the conclusion of each examination the board shall certify to the War Department its judgment as to the fitness of the applicant, stating the office, if any, which it deems him qualified to fill, and, upon approval by the President, the names of the persons certified to be qualified shall be inscribed in a register to be kept in the War Department for that purpose.

The persons so certified and registered shall, subject to a physical examination at the time, constitute the eligible class for commissions pursuant to

such certificates in any volunteer force hereafter called for and organized under the authority of Congress, other than a force composed of organized militia: *Provided*, That no person shall be entitled to receive a commission as second lieutenant after he shall have passed the age of 30; as first lieutenant after he shall have passed the age of 35; as captain after he shall have passed the age of 40; as major after he shall have passed the age of 45; as lieutenant-colonel after he shall have passed the age of 50, or as colonel after he shall have passed the age of 55: *And provided further*, That such appointments shall be distributed proportionately, as near as may be, among the various States contributing such volunteer force: *And provided*, That the appointments in this section provided for shall not be deemed to include appointments to any office in any company, troop, battery, battalion, or regiment of the organized militia which volunteers as a body or the officers of which are appointed by the governor of a State or Territory.

SEC. 24. That for the purpose of providing a reserve force of trained men which shall be ready for immediate service whenever called for and organized under authority of Congress, the Secretary of War is authorized to enroll not exceeding 100,000 men, who shall have served in the Regular or Volunteer armies of the United States or in the organized militia. Such reserve force shall be designated as the National Volunteer Reserve, and when called forth by the President shall serve wherever ordered, within or without the territory of the United States.

Such enrollment shall in each case continue for a period of five years, but in the event they shall be called into the service of the United States, other than for the purpose of drill, inspection, and instruction, they shall be entitled to be discharged at the close of the war or after nine months' service. The persons so enrolled shall report for drill, inspection, and instruction at such times and places to be specified and under rules and regulations to be prescribed by the Secretary of War, and each person so reporting shall, during the time of such service, be subject, as far as practicable, to the regulations and discipline governing the military establishment and shall be entitled to the same pay and allowances as are or may be provided by law for the Army of the United States, to be paid out of the appropriation for the pay of the Army, but in time of peace, except in case of threatened invasion, said National Volunteer Reserve shall not be required to perform military duty to exceed ten days in any one year.

Whenever a volunteer force shall be called for by authority of Congress, and the members of any companies, troops, batteries, battalions, or regiments of the organized militia shall enlist in the Volunteer Army in bodies, such companies, troops, batteries, battalions, or regiments shall be received as the first organizations of such volunteer force. Whenever a volunteer force shall be called for by authority of Congress, exceeding in number the companies, troops, batteries, battalions, and regiments of the organized militia which shall enlist in bodies pursuant to the provisions of section 6 of the act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, the persons so enrolled as a reserve force of trained men, or so many thereof as shall be required, shall be organized in the manner provided for the organization of the volunteer force by section 12 of the act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," approved March 2, 1899: *Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: *Provided further*, That no person shall belong to both organizations at the same time.

Mr. Speaker, in connection with sections 23 and 24 of the bill, I desire to call attention to the title of this bill and its purposes, its alleged purposes. It is "To promote the efficiency of the militia, and for other purposes;" so says its title. Yet we find in sections 23 and 24 of the bill provisions entirely foreign to any militia bill that was ever drawn; and I think, Mr. Speaker, in the light of the Constitution they contain provisions inimical to that instrument and foreign to the constitutional idea of what shall constitute the militia. I call attention to this provision of the Constitution:

"The Congress shall have power * * *
"16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

Now, an examination of section 23 discloses the fact that the appointment of these officers is taken away from the State authorities. An examination of section 24 discloses the fact that the Secretary of War is authorized to enroll not exceeding 100,000 men, who shall have served in the Regular Army or volunteer army of the United States or in the organized militia; and it also discloses that this new sort of an army—we have heard before of the Regular Army, of the volunteer army in the time of war, and of the militia, but here is a new kind of an army—the "national volunteer reserves"—and, in the discretion of the Secretary of War, it may contain 100,000 men, not to be officered by the State authorities, but to be officered on examinations by a board created by the Federal authorities.

I am opposed to this centralizing feature. Let us consider this bill and pass a measure that will aid the militia of the States, but not go to the extent of creating under the name of national volunteer reserve a standing army of 100,000 men, as the Secretary of War may determine.

Mr. Speaker, I do not believe we have the authority to engraft this provision on a militia law. But whether we have by a strained construction, and nobody can tell what strain the Constitution has to undergo in this day and time, nobody can tell how much the Supreme Court will say, "We feel compelled to yield something to the executive department." I believe that is about the language of one of the justices in a celebrated case.

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. Mr. Speaker, I call your attention to the fact—

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. I want to make the point of order that the opponents of the measure have not been accorded any time at all. All the time has been given to the friends of the measure.

The SPEAKER. That should have been looked after when the second was ordered. The Chair is following the rule in these matters, and the point of order of the gentleman is overruled.

Mr. STARK. I hope the gentleman from Ohio will consume some of his time.

Mr. DICK. I yield to the gentleman from Pennsylvania.

Mr. ADAMS. Mr. Speaker, as one of the members of the National Guard of Pennsylvania, I am authorized by the adjutant-general of the National Guard of that State to inform the House that the provisions of this bill meet with the unqualified indorsement and hearty support of the officers and the 8,000 patriotic men who give their voluntary service to the National Guard of that State. Whatever State pride these men might have had in their individual organizations, they are willing to yield freely to this national scope for the second line of defense for the preservation and the safety of our country. [Applause.]

Mr. Chairman, there is one company of the National Guard of Pennsylvania to which I wish to refer especially. It is to preserve their rights and privileges that a paragraph has been inserted in this bill. The First Troop, Philadelphia City Cavalry, was organized in 1774 by a body of gentlemen of the city of Philadelphia, and offered their services to the Provisional Government. On the wall of their armory hangs the colors carried at the battles of Trenton and Princeton. In their archives is treasured the letter of Washington, whose bodyguard they were, thanking them for their tour of duty during the campaign in New Jersey. In the war of 1812 the troop participated in the battle on the Brandywine in Delaware. In the civil war they served in the first ninety days' campaign, when 75 per cent of the men returned as officers, many serving until the close of the war and attaining the rank of brigadier-general. In the late Spanish war the services of the troop were accepted, and they served in Porto Rico. Thus for a century and a quarter this body of gentlemen have ever been ready in a state of efficiency to respond to the call of their country, and this provision preserving their ancient privileges is a proper recognition by the National Legislature of their long and faithful service to their country.

The SPEAKER. The time of the gentleman has expired.

Mr. DICK. I yield three minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, the necessity for this measure or something of a similar nature is conceded by all who have given the matter any attention whatever, and the statement of Mr. DICK, chairman of the Militia Committee, that the existing law which it is now sought to supersede was enacted in 1792 and has remained virtually unchanged ever since, notwithstanding its requirements are obsolete and no attempts made at its enforcement, is an irrefutable argument in favor of this bill.

The late war with Spain demonstrated the importance of a uniform organization, armament, and discipline among our State militia or National Guard.

The purpose of this bill is to make the organization and armament of the National Guard of the several States identical with the Regular Army, and to increase its efficiency by providing for instruction and examination by officers of the Regular Army, and field maneuvers under service conditions either with or without regular troops.

As a member of the Militia Committee I would state that we invited the adjutant-generals of all the States to meet with us in conference either in person or by correspondence, and after carefully digesting and considering this bill copies of it were sent to the adjutant-generals of the various States and to prominent officers of the National Guard and also distributed through the Interstate National Guard Association to the officers of the militia organizations of the United States generally, inviting criticism and comment, and I can safely say that this bill represents the consensus of opinion and the mature judgment of the National Guard of the various States and meets with their approval generally.

As a lawmaker I am content to accept the commendation of the Father of our Country, President Washington, who, in his message to Congress in 1794, said:

The devising and establishing of a well-regulated militia would be a genuine source of legislative honor and a perfect title to public gratitude.

I trust this Congress may signalize itself by the passage of this bill and thereby earn the gratitude of the public. [Applause.]

Mr. GAINES of West Virginia. Mr. Speaker, the committee having charge of this bill found the militia laws of the United States in a state of great confusion. They were often contradictory and frequently obsolete. Nearly every President, from Washington to Roosevelt, has made a recommendation for improvement

in the militia law. In his message at the opening of the present session President Roosevelt said:

Our militia law is obsolete and worthless. The organization and armament of the National Guard of the several States * * * should be made identical with those provided for the regular forces. The obligations and duties of the guard in time of war should be carefully defined. * * * It is utterly impossible in the excitement and haste of impending war to do this satisfactorily if the arrangements have not been made long beforehand.

He also calls attention to the fact that when the Spanish-American war broke out the volunteer troops, being mainly from the National Guard of the several States, were supposed to be well equipped—which supposition was not realized.

That the existing law on this subject is entirely obsolete will appear from sections 1625 and 1628 of the Revised Statutes. A perusal of section 1625 will surprise most people of this country by informing them that every able-bodied citizen between the ages of 18 and 45 is, in contemplation of the law, a member of the militia. It reads as follows:

SEC. 1625. Every able-bodied male citizen of the respective States, resident therein, who is of the age of 18 years and under the age of 45 years, shall be enrolled in the militia.

Section 1628, which I shall insert in my remarks at this point, is not so alarming, but it is amusing and will be sufficient to prove to every member of this House that some new legislation on this subject is necessary. It reads:

SEC. 1628. Every citizen shall, after notice of his enrollment, be constantly provided with a good musket or firelock, of a bore sufficient for balls of the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than 24 cartridges suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot pouch, and powderhorn, 20 balls suited to the bore of his rifle, and a quarter of a pound of powder, and shall appear so armed, accoutered, and provided when called out to exercise or into service, except that when called out on company days to exercise only he may appear without knapsack; and all arms, ammunition, and accouterments so provided and required shall be held exempted from all suits, distresses, executions, or sales for debt or for the payment of taxes. Each commissioned officer shall be armed with a sword or hanger and spontoon.

In the short time allotted to me I can only call attention to the salient features of the bill. The object of the committee has been to modernize the organization of the National Guard and to bring its organization, armament, and discipline into complete harmony and accord with that of the Regular Army. Section 3 has reference principally to this and is as follows:

SEC. 3. That the regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of Columbia who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section 1661 of the Revised Statutes of the United States, as amended, whether known and designated as National Guard, militia, or otherwise, shall constitute the organized militia. The organization, armament, and discipline of the organized militia in the several States and Territories and in the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the Regular and Volunteer armies of the United States: *Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps.

Section 4, which authorizes the President to call out the organized militia or National Guard for a period not exceeding nine months whenever he may deem it necessary to repel invasion, suppress rebellion, or enable him to execute the laws, makes the militia forces of the country, heretofore of too little value except for local police purposes, available for the national defense. Section 13 will perhaps be of more immediate interest to members of the militia of the country than any other section. While the section is long, its purport can be briefly stated. It provides that the militia shall be furnished by the United States Government with up-to-date guns and equipment. It appropriates money to provide the National Guard with "United States standard service magazine arms, with bayonets, bayonet scabbards, bullets, and such other necessary accouterments and equipments as are required for the Army of the United States."

These are supplied without charging the cost against the allotment of the States under the annual appropriation provided by section 1661 of the Revised Statutes. The equipment, of course, remains the property of the United States, available for use in time of war. The result of this will be that the United States will have in case of war a large number of modern magazine rifles, not rusting in storage, but in the hands of persons trained to use them. Section 15 provides for participation on the part of the National Guard, under certain conditions and restrictions, in the encampment, maneuvers, and field instruction of any part of the Regular Army at or near any military post.

The bill has also many other useful provisions. It is believed on the whole that the bill goes very far toward giving the country a complete up-to-date working law for the organization, equipment, drill, and government of the militia. In a letter to the chairman of the committee, dated March 18, 1902, Secretary Root says: "I have examined the measure with great care, and approve the wise and patriotic endeavors of the committee to frame an enactment which seems to me well calculated to accomplish the purpose set forth in its title." The committee, Mr. Speaker,

offers the bill to the House with a considerable degree of confidence that it merits the commendation so generously bestowed by the Secretary of War. [Applause.]

Mr. STARK. I now yield three minutes to my colleague, Mr. WILEY.

Mr. WILEY. Mr. Speaker, there are many things in this bill affecting materially the militia forces of the country, now characterized as the National Guard. The Army question is at rest, certainly for the present, and the problem confronting us, as lawmakers, is the necessity of systematizing, training, and regulating a reserve force to be used in time of war or whenever it is required to preserve the public peace.

The military organizations of the United States have probably never had a Commander in Chief from whom more could be expected, particularly by the State troops, than President Roosevelt. As a volunteer officer in the Spanish-American war he won imperishable honors at San Juan Hill. He thoroughly understands the question. Secretary Root's annual report outlined the policy of the Administration, and his recommendations were strongly indorsed by the President in his message to Congress.

Briefly stated, these recommendations look to the arming, equipment, and thorough reorganization of the National Guard or State troops in such manner that they shall be treated as a first or favored reserve, entitled to a preference in the manner of being called into the service of the United States, when occasion requires, in order to execute the laws of the Union, suppress insurrection, and repel invasion, or be in readiness beforehand to meet any threatened attack from any hostile source, whether at home or abroad; and, with this object in view, it is proposed that the term of service under any call shall be limited to nine months, except in case of the reserved force of trained men authorized to be organized under sections 23 and 24 of the act; that the National Guard shall join in annual encampments at national military camps with troops of the Regular Army; that Army officers shall be detailed for duty in each State; and that militia officers attending a military college shall be allowed travel pay, quarters, and the like.

The President, in his recent message to Congress, recommended the camping and maneuvering together of at least a division (about 9,000 men) of regulars with the same number of State troops, and that, whenever practicable, these troops should be embarked on transports in order to give the officers the necessary experience in the handling of such movements. The bill under consideration carries into operation and effect all these recommendations or suggestions.

The Government is expending about \$1,000,000 a year upon our State troops. They will now receive everything needed or useful in the way of arms, equipment, uniforms, tents, etc.; and the purpose of the bill is to see to it that they, both officers and men, do not lack for the best military instruction and discipline. Of course, they will still be in the service of the State, and only be subject to be "called forth" by the President in those contingencies and exigencies enumerated in the Federal Constitution.

The measure we are considering is entitled "A bill to promote the efficiency of the militia, and for other purposes." It comes to the House with the unanimous indorsement and support of every member of the Committee on Militia. The provisions of the bill, it seems to me, are eminently wise and beneficent. Under its operation the militia of the various States will be placed upon a practical and effective basis.

It is the most intelligent and satisfactory solution of the question of supporting the State troops and rendering them serviceable to the National Government in the event of war, or for executing the laws of the Union, suppressing insurrections, repelling invasion, or making preparation to resist threatened invasion, which has ever yet been presented in legislative form, so far as my experience and observation extend.

Most of the States need some such legislation for the reason that they are financially incapable of supporting their own troops in proper fashion, as is evidenced by the meager and reluctant appropriations made for military purposes during recent years, and it is but fair that the General Government, which is to be a beneficiary, should bear its proportionate share of the burden of sustaining these organizations.

And the time has arrived when we, in order to promote its efficiency, should systematize and reorganize the entire militia of the country. In my remarks on this occasion it is not my purpose to discuss the militia, in its widest sense, as including the whole military force of the nation. I shall confine myself to the great body of our citizens in the different States and Territories of the Union who, actuated by patriotic impulses, within certain ages, have been enrolled for instruction and discipline as a reserve force—not as a regular employment or occupation and not subject to be called into actual service, except in certain contingencies involving the common defense or general welfare of the Republic.

This militia, in its narrower sense, has been justly characterized as "the great bulwark of the public safety." The question of devising and establishing a well-regulated militia, and of bringing incongruous detachments of this body into an harmonious whole under some uniform system of organization, of inspiring them with military interest and of educating them in the performance of military duties so that they may be promptly and effectively employed in cases of domestic violence or national disaster, as designated in the Constitution, has engaged the attention of every President from George Washington down to Theodore Roosevelt.

In his message to Congress in 1795 President Washington said:

With the review of our Army establishment is naturally connected that of the militia. It will merit inquiry, what imperfections in the existing plan further experience may have unfolded. The subject is of so much moment, in my estimation, as to excite a constant solicitude that the consideration of it may be renewed until the greatest attainable perfection shall be accomplished. Time is wearing away some of the advantages for forwarding the object, while none better deserves the persevering attention of the public councils.

President Jefferson in 1808 said:

For a people who are free, and who mean to remain so, a well-organized and armed militia is their best security. It is therefore incumbent on us at every meeting to revise the condition of the militia, and to ask ourselves if it is prepared to repel a powerful enemy at every point of our territories exposed to invasion. Some of the States have paid a laudable attention to this subject; but every degree of neglect is to be found among others.

Congress alone has power to produce a uniform state of preparation in this great organ of defense; the interest which they so deeply feel in their own and their country's security will present this as among the most important objects of their deliberations.

In the year 1825 President Adams, in the following eloquent words, also invited the attention of Congress to this important subject:

The organization of the militia is yet more indispensable to the liberties of the country. It is only by an effective militia that we can at once enjoy the repose of peace and bid defiance to foreign aggression. It is by the militia that we are constituted an armed nation, standing in perpetual panoply of defense, in the presence of all the other nations of the earth. To this end it would be necessary so to shape its organization as to give it a more united and active energy.

Ten years later President Jackson, in asking Congressional consideration of this matter, employed this strong language:

Occurrences to which we, as well as other nations, are liable, both in our internal and external relations, point to the necessity of an efficient organization of the militia. I am again induced by the importance of the subject to bring it to your attention. To suppress domestic violence and to repel foreign invasion, should these calamities overtake us, we must rely in the first instance in the great body of the community whose will has instituted and whose power must support the Government.

President Van Buren in 1837 said:

It is not, however, compatible with the interests of the people to maintain, in time of peace, a regular force adequate to the defense of our extensive frontiers. In periods of danger and alarm we must rely principally upon a well-organized militia, and some general arrangement that will render this description of force more efficient has long been a subject of anxious solicitude. It was recommended to the first Congress by General Washington and has since been frequently brought to your notice, and recently its importance strongly urged by my immediate predecessor.

These extracts from the messages of these patriotic Chief Magistrates, and many others which I might quote (except in so doing I might run the risk of trespassing upon the time and indulgence of the House), show clearly that it was the object and desire of our revolutionary forefathers to rely for purposes of home protection and the execution of the laws of the land almost exclusively upon the militia forces of the Union.

Generally speaking, we do not fully appreciate the importance of properly maintaining in each State an organized and disciplined body of troops, ready for actual service in those emergencies for which provision is made in the constitutions of most, if not all, of the States of the Union. The expense of keeping up an organization is but "dust in the balance"—a mere trifle in comparison with the great benefits to be derived from such an institution. In many of the monarchies of the Old World the masses are tax ridden and impoverished in order to maintain immense standing armies.

It is always well in peace to prepare for war; but preparation on a large scale costs more than its advantages are worth when it is made at the expense of a nation's strength by exhaustion in bearing arms, by withdrawing permanently vast numbers of men from the daily walks and busy pursuits of life, by retiring them from those vocations and employments which tend to enrich a State, and by making them "drones in the hive" instead of being the prop and support, the stay and hope, for the preservation of civil liberty and the law of the land, as well as for the maintenance of those dependent upon them by the ties of blood or the bonds of affection.

In this respect the wisdom of our forefathers was strikingly manifest. They deprecated a large standing army in the "piping times" of peace. They trusted to the conservatism and patriotism of the people. They relied for national defense upon an able-bodied militia, organized for military service and re-

quired by law to attend military exercises on designated days, in preference to regular troops whose sole occupation was war, either offensive or defensive.

Too much can not be said in commendation of the citizen soldiery of our country. In each State they stand for home and rooftrees, for hearthstone and fireside. They stand as a shining exponent of the dignity, majesty, power, and glory of a State—of a federation of sovereign States. They stand to uphold the strong right arm of constituted authority; to preserve the peace and to enforce the law. The great Washington declared that the laws of our country are above the sword.

Our State militia, now commonly known as the National Guard, recognize the truth of the declaration and act upon it, that the law of the land, save in time of actual war, is the commanding general of armed men. The constitution of every State in the Union requires the governor to see to it that the public peace is preserved. The militia conserves that laudable purpose.

The rigors of winter, the scorching heats of summer, the dust and fatigue of the long march, the burdens and privations of the camp—all these sacrifices and more they cheerfully endure, and if need be they are willing to lay down their lives in order to maintain the honor, preserve the peace, and enforce the laws not only of a particular Commonwealth, but of the nation as well; to take the mob by the throat and to protect, at all hazards, life, liberty, and property, without reference to race or creed, and no matter what may be the social, civil, religious, or political standing of those whose safety is intrusted to their keeping. [Applause.]

There seems to be much confusion and misunderstanding on the part of the public generally, even among some of our best-informed fellow-citizens, as to the right and authority of the President at any time, in any contingency, or for any purpose to avail himself of the services of the militia forces of the different States when the peace of the country has been broken or disturbed or an invasion is threatened. The Federal Constitution makes this question very plain.

That instrument of our organic law contains the clear ringing declaration that Congress shall have power to provide for "calling forth" the militia in order "to execute the laws of the Union, to suppress insurrection, and to repel invasion." And as far back as the year 1827, when the great John Marshall was Chief Justice of the Supreme Court of the United States, this provision of the Constitution underwent a review by that lofty tribunal in the celebrated case of *Martin v. Mott*, reported in 12 Wheaton, beginning on page 19 of that volume.

Judge Story, whose legal learning has ornamented the jurisprudence of this continent, delivered the unanimous opinion of this court. This decision is "lucidity crystallized." In this leading case, involving, as it does, the question of the authority of the Chief Executive of the Republic over the militia organizations of the country, in all their protean shapes and forms, it was expressly held that Congress may not only lawfully provide for the execution of the laws of the land and for the suppression of insurrections, but may also "provide for cases of imminent danger of invasion, as well as for cases where an invasion has actually taken place, and that the power to repel invasion includes the power to provide against the danger of invasion;" hence, upon the principle of "forewarned, forearmed," is the necessity to prepare in advance needed and adequate methods "to effectuate the object in view;" that one of the best means of repelling invasion is to have in readiness the requisite force for action "before the invader himself has reached our soil;" that the President of the United States is the exclusive judge as to whether or not the exigencies designated by the Constitution have arisen, in which he is empowered to call into service the militia of the different States and Territories, and that his decision, when once reached on the subject, is absolute, final, and conclusive.

The facts of this case (*Martin v. Mott*, supra) are interesting and peculiar. During the war of 1812 Governor Tompkins, of New York, upon the requisition of President Madison (a Southern man, himself a native of Virginia), ordered certain portions of the militia of New York State "to be detailed into the service of the United States of America." One Jacob E. Mott, being a private in a militia company and liable to do military service in that capacity, refused to rendezvous and enter into the service of the United States in obedience to this command. As a result he was regularly court-martialed, "found guilty of delinquency, and fined \$96."

Failing to pay the fine, he was sentenced to twelve months' imprisonment. A certificate of the finding of the general court-martial having issued and been placed into the hands of one Martin, as deputy sheriff, he proceeded to execute the same by taking certain goods belonging to Mott. As a result of this seizure under this character of process, Mott instituted against Martin in one of the courts in New York State an action of replevin to recover the chattels so taken and withheld from him.

In discussing the facts of the case as thus presented the Supreme Court of the United States, amongst other things, say:

A free people are naturally jealous of the exercise of military power, and the power to call the militia into actual service is certainly felt to be of no ordinary magnitude. It is not a power which can be executed without a correspondent responsibility. We are all of the opinion that the authority to decide whether the exigency has arisen belongs exclusively to the President and that his decision is conclusive upon all persons.

The power itself is to be exercised upon certain emergencies, upon great occasions of state, and under circumstances which may be vital to the existence of the Union. A prompt and unhesitating obedience to orders is indispensable to the complete attainment of the object. The service is a military service, and the command of a military nature, and in such cases every delay and every obstacle to an efficient and immediate compliance necessarily tend to jeopardize the public interests.

While subordinate officers or soldiers are pausing to consider whether they ought to obey, or are scrupulously weighing the evidence of the facts upon which the commander in chief exercises the right to demand their services, the hostile enterprise may be accomplished without the means of resistance. If the power of regulating the militia and of commanding its services in time of insurrection and invasion (or executing the laws of the Union) are natural incidents to the duties of superintending the common defense and of watching over the internal peace of the Confederacy, those powers must be construed as to the modes of their exercise so as not to defeat the great end in view.

If a superior officer has the right to contest the orders of the President upon his own doubts as to the exigency having arisen, it must be equally the right of every inferior officer and soldier.

The power itself is confided to the Executive of the Union; to him who is by the Constitution the Commander in Chief, when called into the actual service of the United States; whose duty it is to take care that the laws be faithfully executed, and whose responsibility for an honest discharge of his official obligations is secured by the highest sanction. He is necessarily constituted the judge of the existence of the exigency in the first instance, and is bound to act according to his belief of the facts.

If he does so act, and decides to call forth the militia, his orders for this purpose are in strict conformity with the provisions of the law; and it would seem to follow as a necessary consequence that every act done by a subordinate officer, in obedience to such orders, is equally justifiable. The law contemplates that, under such circumstances, orders shall be given to carry the power into effect; and it can not, therefore, be a correct inference that any other person has a right to disobey them. The law does not provide any appeal from the judgment of the President or for any right in subordinate officers to review his decision and in effect defeat it.

This is one of the ablest opinions of one of the greatest judges who ever sat upon the Supreme Court bench of the United States. It sounds as though the voice of divine wisdom dictated while the hand of inspired patriotism penned the words.

We must not forget the important fact that our militia forces have a dual capacity. The State and general governments have concurrent jurisdiction and control over them; that is to say, the governor of a particular State and the President of the United States, within their respective spheres, have each authority to call out the militia to meet those exigencies for which provision is made in both the State and Federal constitutions, but whenever the President has once acted in the premises his decision must be taken as absolutely conclusive that a necessity has arisen which, in his judgment and discretion, requires the exercise of the superior constitutional authority of the General Government.

Whenever the body of the militia has once entered into the service of the United States the Federal command over them is exclusive and paramount. The framers of our organic law intended that harmony should characterize the combined actions of both State and National governments. And I want to say in this connection, that the bill under consideration does not seek to confer upon the President one iota more of authority than that which he already possesses under the Constitution.

It follows, therefore, as a necessary corollary, that Congress, under constitutional sanction, has authority to make appropriations for drilling, arming, equipping, disciplining, and controlling the militia forces of the different States of the Union so as to render them an efficient arm of the military service. The Regular Army of the United States numbers at this time about 65,000 men. It may be increased to 100,000 men.

For the first time in the history of the Republic our Regular Army is required to be employed in foreign service; that is to say, outside the limits of the United States. All of us, both Democrats and Republicans alike, profess an earnest desire that there shall be no occasion to enlist the remaining 35,000 soldiers (authorized by law to be recruited) by calling them into service; and yet it is manifest that unless we make ample provision to render our militia efficient for home protection, and in order to enable us to defend our vast seacoast lines and extensive frontiers against invasion, actual or threatened, as well as to meet those exigencies provided by the Federal Constitution, it follows, necessarily, that our standing army will have to be increased to its maximum limit.

And in taking these matters under consideration we must bear in mind the fact that while our militia can be utilized at home and are subject to the President's mandate or requisition in any State or Territory of the Union, they can not be employed in foreign service; can not be used to invade the territory of a neighboring country; can not enforce any public rights abroad, and can not engage in offensive warfare outside the limits of the United States.

I have heard some criticism of sections 23 and 24 of the bill, which make provision for a national volunteer reserve not to exceed 100,000 men, but manifestly those who criticize are misinformed. These sections stipulate that the officers and regiments of this reserved force shall be equitably apportioned amongst the different States and Territories, and they shall bear the name of the particular State or Territory within whose limits, respectively, they were organized.

You will recall that the volunteer regiments organized under the act of Congress to serve for two years in the Philippine Islands were numbered as United States Volunteers and were not recognized in any sense as State troops. These sections are intended to prevent a repetition of that very thing by allowing to each State and Territory its proper quota of officers and enlisted men, whose commands shall be numbered by and in the names of the various States or Territories, precisely as was done in the case with the different regiments in both armies during the great civil war.

Those Democrats, therefore, who may be inclined to criticize these sections just referred to either do not know or forget the fact that they are in harmony and accord with the Democratic national platform adopted at Kansas City in 1900. The plank on that subject is as follows:

In the time of danger the volunteer soldier is his country's best defender. The National Guard of the United States should ever be cherished in the patriotic hearts of a free people. Such organizations are ever an element of strength and safety. For the first time in our history and coeval with the Philippine conquest has there been a departure from time-honored and approved system of volunteer organization.

In the light of this clear ringing party declaration it is difficult to find any good or sufficient reason justifying any opposition to this measure, particularly on the part of those members who prefer to rely for our national defense upon the militia forces of the country rather than upon the troops of a regular army. One or the other we must have, and you are now given an opportunity to make your choice.

The great Webster on one occasion, in answering a comment made by a European minister as to the fierceness of our divisional and partisan quarrels, said: "They all cease at the water's edge." Whatever sectional differences as to internal policies may exist among us, we will all stand together in defense of the Union, and in the event this nation should ever be assailed by a foreign power we would be in condition and position immediately to marshal a mighty army and to concentrate vast munitions of war.

Our rivers, railroads, turnpikes, and canals are magnificent fortresses. They would enable us quickly to mobilize at a given point large bodies of men and to collect at a common center abundant supplies to feed them. In this way and by these means we could anticipate an invasion and precipitate an overwhelming force against the most powerful army our enemies could send to fight us. With officers to command and discipline them, raw troops are readily made available. History abounds with evidence that military knowledge or skill can act efficiently with irregular soldiers. It was chiefly with men of short military experience that Napoleon won the victories of Marengo, Lutzen, Bantzen, and other triumphs which followed close upon the Russian campaign of 1812.

Should the exigency of war arise in this country, the rank and file of our militia companies, together with the educated young men going out of our military colleges, would furnish enough officers, skilled, drilled, and disciplined, to instruct and command an immense body of raw troops. Thus the strength of the nation would be rendered speedily available, and this Government, in addition to her Army and Navy, would have at all times a reserve force which could be readily utilized, and thus she would be invincible against the combined power of the armed phalanxes of the world.

In the war between the States our splendid volunteer armies on both sides were recruited mainly from the people in the ordinary business walks of life—from those who were subject to be called into the militia service of the country. The heroism of these men; their valor, fidelity, and self-devotion; their courage in battle; their patience under trial, and their fortitude under suffering, whether they wore the blue or donned the gray, are the common heritage of the nation's glory.

You will pardon me, I am sure, for saying I had occasion, while serving an enlistment of several months in Cuba during the Spanish-American war, to observe the conduct of the volunteer soldier, who, after all, was nothing more nor less than a militiaman; and it is my deliberate judgment that, taken all in all, no better soldier ever carried a sword or shouldered a musket. In an incredibly short period of time the militia of the different States, numbering about 200,000 strong, were mobilized and rendered immediately available for military service.

In order that they might be constitutionally employed outside the limits of the United States, they were promptly converted by a sort of legal or political legerdemain into volunteer soldiers;

and what a magnificent body of men they were, wearing the regulation blue, feeling the elbow touch, and keeping a quick step to the blended and inspiring music of Yankee Doodle and Dixie, while they fought together under the folds of "Old Glory" to defend the flag and maintain the nation's honor at home and abroad!

My heart thrills with patriotic pride and pleasure whenever I pause to think of those brave and loyal men, animated by the same impulse, coming together from all sections of our common country—North, South, East, and West—ready to die "upon the perilous edge of battle" in defense of justice, liberty, and right.

The volunteers who went to Santiago de Cuba in the summer of 1898 to relieve General Shafter's army and faced the pestilence that walked in darkness in a plague-stricken land, without a murmur or complaint, were no less heroes than the "regulars" who faced Mauser rifles at El Caney and San Juan Hill.

And the same thing is true of the militia—the volunteers—who served in the other provinces of Cuba and did garrison duty in preserving the public peace and in bringing order out of chaos. Every American citizen whose soul is not dead to every generous emotion can not help feeling a sentiment of admiration at the magnificent conduct of the militia volunteers in Cuba, Porto Rico, and in the Philippine Archipelago. All honor to these noble men!

In the summer of 1898, President McKinley, that great and good man, that golden-hearted gentleman, in declining an invitation of General Breckinridge to review the troops at Chickamauga, took occasion, in speaking of these volunteers, to declare:

The highest tribute that can be paid to the soldier is to say he performed his full duty. The field of duty is determined by his Government; and wherever that chance to be is the place of honor. All have helped in the great cause, whether in camp or battle; and when peace comes, all alike will be entitled to the nation's gratitude. In this respect the volunteers will be like regulars, who do the duty assigned them, whether in peace or war, leaving the Government to determine what that duty shall be.

Although suggestions looking in that direction have been made, the indications are that our standing Army, as at present constituted, will not, in my opinion, be reduced for many years to come—certainly not unless this bill becomes a law. That question, therefore, is at rest. The Regular Army of the United States before the Spanish-American war consisted of about 25,000 men; yet the American Union continued the most liberty-loving, law-respecting, and law-enforcing Government which human genius had ever created in the history of the human race.

Conditions have changed. A new era in national affairs has been ushered in for our consideration and adjustment. In the nature of things a mighty responsibility is imposed upon this Government. We can not shirk our duty. We have assumed treaty obligations which we can not evade. We must give to the recently liberated Spanish colonies the needed help, without which they must inevitably go the downward road to ruin and death. It is manifest, therefore, that the bulk of the Regular Army will be needed for foreign service, and the militia forces, by whatever name called, will have abundant and important duties to perform at home.

We are confronted by a condition, not a theory. The prophesy of the Bible seems to have been fulfilled. Our vine has run over the farthest hill and our branches have extended beyond the uttermost wall. It is no longer a question of expansion. We have already expanded. It may become a question of restriction or confinement within narrower bounds, but how or when this process of contraction is to begin, or in what manner or at what time it is to be accomplished, no man not gifted with divine inspiration can safely venture to predict.

There can be no doubt that this nation may extend help, advice, and protection to such foreign lands as have passed under our flag and aid in the development of native governments of their own people, as well as exercise a temporary or permanent guidance, tutelage, or control over them. I think we are quite able to take care of ourselves, and will keep a free hand in dealing with them.

We may hold them as territories; we may protect them in semi-autonomy; we may in time, if we deem it wise or politic, set them up in entire independence, or we may even dispose of our interest in them to some other power. To deny our freedom and competency to do any or all of these things is to affirm that we are not a sovereign nation.

Do not misunderstand me. I am not discussing the wisdom or unwisdom of the national policy in reference to our insular possessions. It may be that this policy, on the one hand, will cause us to become a great world power and result in removing the tariff walls which stand frowningly around our seaports, and in completing an isthmian canal, by which the route of commerce from the Orient will be shortened about 8,000 miles, as well as opening the markets of those Eastern and tropical lands to our surplus cotton, grain, lumber, coal, iron, and other commodities grown or manufactured in the United States.

It may mean that we are no longer to be a "pent-up Utica;" that our merchant vessels, laden with the richest productions of the far-distant East, coming through the Caribbean Sea and across the Gulf of Mexico, will touch at all our ports and lay these marvelous treasures down at our feet or pour them out lavishly into our laps, in exchange for the products of our fields, forests, mines, furnaces, and factories; or, on the other hand, it may result disastrously to us by involving us in "entangling alliances" with foreign nations, and in weakening our internal strength by extending our commercial empire.

It may be, as Goldsmith has forcibly expressed it, that "too much commerce may injure a nation as well as too little; and that there is a difference between a conquering and a flourishing empire;" but, however these things may be, it is manifest that during the interim and pending a satisfactory adjustment of these vital and important questions of governmental expediency and policy, our standing army must and will be employed abroad, and the Government will be compelled either to increase to its full maximum the Regular Army for purposes of home protection, or else Congress must make suitable provision, as contemplated by the Federal Constitution, to render the National Guard a useful auxiliary to the Army—a reserve force to be used in the emergencies I have already mentioned.

Under these circumstances (for I desire to impress upon your minds this significant truth) you will pardon me for reiterating the fact that the National Guard will be needed for home purposes—to preserve the public peace, to enforce order, and to execute the laws of the land.

The Government ought not therefore to hesitate to make ample provision to clothe, feed, shelter, arm, and equip these citizen-soldiers; to select suitable and healthy camps of instruction for them; to furnish skilled and capable officers to drill and command them; to stimulate their patriotism; to encourage discipline, and foster a proper esprit de corps among them; to elevate and dignify these organizations; and, in short, to do everything in its power to render them an efficient arm of the nation's military establishment.

Peace is a blessing earnestly to be coveted. On the other hand, war is a fearful evil. In itself a scourge, it may, nevertheless, become a means of purifying and exalting the public spirit and of bringing a nation up to the fullest consciousness and comprehension of its real historic destiny. It develops the strongest elements of national character—the moral as well as physical resources of a people. It reveals the great objects and ends of national life—its heaven-appointed mission.

War, then, in the language of Bacon, "becomes the highest trial of right." It is not always an unmixed evil. It may and does become "the purchase price of a lasting and righteous peace." How true it is—

God moves in a mysterious way
His wonders to perform—
He plants his foot upon the sea
And rides upon the storm.

The palladium of liberty is in the hearts of the people. Let the world know that we intrust our safety to the honest yeomanry of this fair land—a well-organized, patriotic militia. It will attract the popular thought and fasten it to the inspiring ideal of a common country, in which the people rule, and from whom all authority is derived. Our "Government of the people, for the people and by the people," is to-day the shining exponent of civil liberty to all the struggling and oppressed nations of the earth, a radiant representative of that liberty which was won by the valor and is preserved by the genius of Anglo-Saxon manhood.

This steadfast and dominant idea—the liberty of the citizen—has given direction to the very life of the Republic, to the form and substance of its civilization; and has proven the most potential factor, the most efficient minister, in our material progress and national exaltation. There breathes to-day throughout these united sovereignties a broad, catholic spirit, not only of defense, but of growth and development also. There is no purpose or desire to disturb the separate rights of the States. They must and will remain forever inviolate and inviolable.

Home rule and local self-government are just as vital and essential to-day as they were in 1860; but we want and must have the realization of a Union whose definite aim is to protect the citizen at home and abroad, to keep untarnished the faith and credit of the nation, to maintain the Constitution, and defend the flag.

There resides in the Federal Government at Washington the obligation and the duty to spend the last dollar in the Treasury and to enlist every available man in the nation, not for conquest, but in defense of popular rights and constitutional liberty. In the eloquent words of another, "The old flag still lives; the stars are there, the stains have gone."

We live under one Constitution, are inspired by one hope, are linked in one destiny, and have but one flag—the Star Spangled Banner.

Long may that glorious ensign wave "over the land of the free and the home of the brave"—the standard of a Republic, the proudest and grandest the world ever saw.

One heart, one hand,
One flag, one land,
Our country evermore.

[Loud applause.]

Mr. STARK. I now yield five minutes to my colleague on the committee, the gentleman from Massachusetts [Mr. CONRY].

Mr. CONRY. Mr. Speaker, the Committee on the Militia, of which I have the honor to be junior member, have spent many weeks of arduous labor in compiling the various laws passed by the Congress of the United States since 1792 for the government of the militia. In the performance of their duty they called to their assistance the recognized authorities on the operations of the militia and the National Guard of the several States during the past one hundred years. As a member of that committee, I join most heartily with my associates in submitting a unanimous report. As one who has had a limited experience in the militia of his own State, I join most heartily in making this unanimous report. And, Mr. Speaker and gentlemen on this side of the House, as one who has never believed in the existence of a large standing army, but who believes with Jefferson that for a people who are free and who mean to remain so, a well-organized militia is their best security, I believe in perfecting the National Guard and the State militia, and therefore join most heartily in making this unanimous report.

This report, Mr. Speaker and gentlemen, brings the obsolete, antiquated militia law of the United States down to a scientific, systematic basis. It gives us a modern militia law which will secure to the United States an efficient auxiliary to the Regular Army. It gives to us what we have never had during the past one hundred years—a body of over 100,000 well-equipped, well-disciplined, well-instructed men, who may be called into service on twenty-four hours' notice and report in fit condition for soldier duty. This bill takes no power, no authority, ever enjoyed by any of the States away from the States. It gives to the authorities in Washington no power or authority which they have not enjoyed hitherto under the Constitution. It is merely a perfecting work.

Since the earliest days a large standing army in the grasp of an unscrupulous Executive has been considered a menace to the safety of a popular government, so a contrary principle was established, and the Constitution of the United States (amended in 1789) made to declare that "a well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

In 1792 the present militia law was adopted. It made compulsory the enrollment and the performance of military duty on the part of every able-bodied citizen between the ages of 18 and 45; that he shall "be constantly provided with a good musket or firelock of a bore sufficient for balls the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints and a knapsack, a pouch with a box therein to contain not less than 24 cartridges," or a "good rifle, knapsack, shot pouch and powder horn, 20 balls, and a quarter pound of powder," and that "each commissioned officer shall be armed with a sword or hanger and spontoon."

It is very gratifying to me as a member of the committee to have secured the adoption of an amendment to the bill as originally reported protecting the militia companies of Massachusetts organized prior to 1792 in all their original rights, privileges, and immunities.

The First Corps of Cadets, of Boston; the Second Corps of Cadets, of Salem, and the Ancient and Honorable Artillery Company, of Boston, together with many other military companies outside Massachusetts, have joined in recommending the following paragraph as an amendment to the bill originally reported:

And provided further, That any corps of artillery, cavalry, and infantry existing in any State at the passage of the act of May 8, 1792, which, by the laws, customs, or usages of said State have been in continuous existence since the passage of said act under its provisions and under the provisions of section 232 and sections 1625 to 1660, both inclusive, of title 16 of the Revised Statutes of the United States relating to the militia, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law in like manner as the other militia.

We in Massachusetts have a profound admiration for our volunteer militia. That there is good reason for this admiration and that our troops deserve well at our hands may be seen from the report made by Maj. Marcus P. Miller, Fifth Artillery, who inspected the First Corps of Cadets in camp at Hingham in 1892.

We are willing that Major Miller's judgment of the First Corps of Cadets should stand as an estimate of the true value of the Massachusetts Volunteer Militia.

[Extracts from the reports of United States Army officers detailed to inspect camps of Massachusetts Volunteer Militia, 1892.]

MAJ. MARCUS P. MILLER, FIFTH ARTILLERY.

These troops have a historical record, the first organization having been raised in 1741 as the bodyguard to the colonial governor of Massachusetts

Bay Colony. Since then it has undergone changes in name and organization. The corps as established under State government in 1786 possessed certain unusual privileges, viz: First, of being the guard of honor to the governor; second, that it could not be attached to the command of any officer below the rank of major-general; third, its officers held peculiar rank. These privileges were placed under the protection of an act of Congress passed May 8, 1792. This protection is shared also by the Second Corps of Cadets.

In company with the adjutant-general of the State, I joined the corps at the Old Colony depot, Boston, about 3 o'clock p. m. July 9, and found it being loaded into cars for transportation to its camp at Hingham, Mass., under command of its regular commandant. Upon arriving at the railway station at Hingham, the troops were soon unloaded, the battalion formed without confusion or talk, and marched directly to camp, where line was formed on the parade and the companies dismissed, going to their streets, and on breaking ranks, carried their baggage to their tents. The first call for guard mounting was soon sounded, the guard details assembled and guard mounting held immediately, and, at inspection and muster soon after, the regular routine of duty commenced.

Soon after arriving I accompanied the commandant to visit the mess rooms, officers' and men's sinks, bathrooms, storerooms, and examined the drainage and police of camp.

The camp ground and buildings, in nearly all respects, were the same as described in Capt. H. M. Kendall's report of last year, except that 9 acres of land had been purchased and added to the grounds during the past year, which, with the other original grounds, gives ample room for all close-order drills.

Administration was conducted in conformity with the laws of the State, the standing orders of the commander in chief and the standing orders of the commandant. The latter are published in book form, and give full regulations, explaining the duties of all officers, noncommissioned officers, and men; how members may be admitted into the corps, how enlistments are made, records kept, guard mounting and guard duty should be performed, roll calls executed; and calls attention to the various matters of discipline, the care of property, saluting, and the necessity of courtesy among military men.

I noticed one special matter required in this corps—that candidates for enlistment have to be examined by a medical officer—not required in the other commands. (Since made obligatory throughout the militia.)

The order of routine duty gave hours of call for the following duties (naming them):

Reveille (roll call).....	6 a. m.
Surgeon's call.....	6.45 a. m.
Breakfast.....	7 a. m.
First sergeant's call.....	8 a. m.
Guard mounting.....	8.15 a. m.
Fatigue (immediately after guard mounting).....	
Drill (company).....	9.30 a. m.
Recall.....	10.30 a. m.
Rifle practice.....	11 a. m.
Dinner.....	1 p. m.
First sergeant's call.....	3.45 p. m.
Drill (battalion).....	4 p. m.
Recall.....	5 p. m.
Inspection and muster.....	5.30 p. m.
Dress parade and retreat (roll call).....	6 p. m.
Supper.....	7 p. m.
Evening band practice.....	8 to 9.45 p. m.
Tattoo (roll call).....	10.30 p. m.
Taps.....	11 p. m.

The roll call was attended by an officer, and was required to be promptly made, time allowed for formation being five seconds, and silence imposed.

The whole command was turned out for fatigue, and the whole ground gone over, each company having its particular part to look over. * * * It was exceedingly well done. * * *

There were two drills a day, and target practice immediately after the close of morning drill.

At fatigue call every man was expected to repair to his tent, which was immediately put in order and an inspection made of them, including those of the band, by the officer of the day, a company officer being present. No useless articles were allowed in the tents, the contents being the gun racks, muskets and belts, equipments and camp chairs. The bedding was removed every morning after reveille, and placed in one company tent; once in order, the tents were required to be kept in order throughout the day.

Inspection under arms in the evening, after which the troops were mustered by the paymaster. Each captain was sworn to the fact that the men answering to their names were the identical persons whose names were borne and answered to on the muster rolls.

The new infantry tactics had been adopted, and the officers and men practically had to unlearn the old and enter upon a new system, always more or less perplexing. In the morning drill, movements of the company drill proper were executed, also parts of the open-order drill of a company, such as forming line of squads, deploying as skirmishers, marching in both these formations, also the firings. The afternoon drills were devoted to battalion drill proper. The officers were competent, knew the principles of the new drill, and were zealous in their instruction; the men were intelligent and had but little trouble in accomplishing the movements and exercise in good style.

Great attention was paid to the instruction of sentinels and guard duty generally. Every one of the guard was supplied with a printed copy of instructions on guard duty. I inspected the sentinels on post after challenging commenced, and heard others questioned at the guardhouse and found them well informed.

Discipline was absolutely perfect. Official respect and courtesy at all times existed among the officers, also from the men to the officers. Sentinels walked post in a military manner. Camp was quiet at night after taps, and immediate obedience of the junior to the senior was a pleasure. The camp was evidently one of business.

I attended the review of the troops by the governor, which was very excellent. The men marched in the free and easy manner contemplated by the new tactics, kept good dress, distance, and performed the turn and forward movement well, and presented a fine military appearance.

And in conclusion, Mr. Speaker, as one who remembers the appearance of our militia when called into camp in the summer of 1898, the crude appearance of many militia regiments at Chickamauga and Camp Alger, I most sincerely appeal to the gentlemen on this side of the Chamber—from whom I observe the only opposition to the bill has come—to understand that in the passage of this bill we are standing firmly for the rights of the people in

*Stools.

♣5.30 p. m.

their several States, and in addition we are contributing materially to the actual practical fighting force of the United States. [Applause.]

And speaking on the subject of militia, brings me to a consideration of another bill of kindred nature now pending in Congress, regarding the construction of war vessels in the navy-yards of the United States.

I am heartily in favor of the proposition to build the war vessels of the United States in the Government navy-yards, both as a matter of business and as a matter of patriotic sentiment.

The building of a war vessel has become an exact, definite science, far removed from the realms of speculation, no more guessing, nothing improbable, but every detail and particular of the business thoroughly known and well worked out in advance. Every ship that has ever been constructed for the American Navy has been under the skillful eye of the naval constructor and made according to plans with which he was intimately acquainted.

All the parts, boilers, engines, machinery, hull plates, every rivet, bolt, bar, and block, all that goes to make up a complete piece of seagoing fighting apparatus, all is calculated to a nicety from the moment the plans are started until the fighting tops are finished.

I sincerely trust the conferees on the naval appropriation bill will insist on the adoption of the amendment to the House bill which provides for the construction of war ships in Government yards. And furthermore I trust that the Charlestown Navy-Yard will be fortunate enough to get one of the vessels to build and have a chance to show to all the world what New England brawn and brain can do.

I believe I speak with the full approval and perfect confidence of both sides of the House when I say that Mr. Moody, the Secretary of the Navy, can be depended on, in case the construction of ships in Government yards is authorized, to have this work done where the yards are in the best condition and where the best results will be obtained.

Among the leaders of this House he easily took rank while a member from Massachusetts by the force and breadth of his intellect, displaying a mind of marvelous strength, clearness, and power of logical application. To this man we can safely commit this great innovation which may revolutionize the industry of upbuilding the American Navy, with the firm conviction that the experiment will be conducted to a successful conclusion and to the industrial welfare of thousands of American mechanics.

The price of material and parts being so well known, we are justified in starting in at once to build ships in our own yards and learn by actual experience precisely what the facts are and what objections, if any, exist to our doing our own work for the benefit of the people rather than for the profit of contractors.

The question of the cost of constructing ships in private and Government yards has long been a mooted one. A settlement of the question to my mind seems at hand. It is proposed to build sister ships at the same time and under exactly the same conditions—one to be built in a Government yard and the other to be constructed by the contract system. No two large ships have ever been constructed under such conditions, and this is the only absolute solution of the question, as it is impossible to exactly calculate the comparative cost of any two ships unless the work is carried on at the same time, when prices and other conditions are similar.

But, pending this, Mr. Speaker, we must look at the matter theoretically. It being well understood what the different parts of a ship will cost, nothing remains for calculation on the part of our naval constructor except the question of labor.

As is well known, eight hours constitutes a day's labor in the Government yards, and incidentally I may say I believe eight hours is long enough for any man to labor, particularly in the heavier branches of work; however, in most of the iron-working industries the nine-hour day prevails. But this is no argument why the Government should not lessen the hours of labor. It should be the aim of all employers of men, of all those who are interested in the development of the American workingman, to work for shorter hours, as that has made the American mechanic what he is—the peer of any mechanic of the world.

The chief reason advanced by the friends of the shipping combine for the increased cost of the Government doing its own work is the shorter hours of labor required in Government yards. The fact, however, is that because of the improved conditions under which its mechanics are employed the Government has secured the highest possible skill in each trade. It has courted and brought to its assistance the highest standard of mechanical ability and the most skilled mechanics the world has ever known. The reason the Government has been able to obtain the best mechanics is obvious.

It is only natural that men want to work where the hours are shorter and where a vacation is given them with pay. Because of this the Government has the pick of the best mechanics in

America; and I venture to say that if the Government was to build its ships in navy-yards and the men given work every day in the year, perfection that has never been dreamed of in mechanical work would be closely approached, if not actually obtained.

It has been repeatedly stated by men competent to pass judgment on labor matters that it has been found where the hours of labor have been decreased the output has often remained the same, as a mechanic who is not worked to death every day of his life, and who is given time to rest his tired muscles, can do as much work in eight hours as a man who is driven can do in nine.

During the past year the hours of labor have been reduced to nine in nearly all the mechanical trades. In matter of time, therefore, private shipbuilders now have a large advantage over the Government, but when we consider the difference in the men and conditions the advantage is not so great. Not only has the Government secured men of the greatest ability as mechanics, but the extra time the men have at their disposal has been utilized advantageously, and the men have turned their attention to inventing improved appliances, and the Government profits by their genius and is getting the highest possible results from their labor.

It has been frequently stated that it costs the Government more to construct ships in its own yards than to let this work out by contract, but in one case at least this has not proved to be true, as the following will show. Despite the number of assertions as to this fact that have been made by gentlemen on the floor of the House and elsewhere, I can not agree with them, taking everything into consideration, that it costs the Government more to construct its own ships.

By comparing the cost of the two sister ships *Monterey*, built by the Union Iron Works, and the *Monadnock*, constructed at the Mare Island Navy-Yard, it would seem that these statements are untrue. The price paid to the contractors for the *Monterey* was \$2,014,996, of which \$1,872,777 was for hull and machinery, inspection charges \$20,000, and repairs to date \$132,000.

On the other hand, the total cost of the *Monadnock* was only \$1,484,015. The price paid for hull and machinery was \$1,414,266, or \$458,511 less than was paid to the Union Iron Works for the hull and machinery of the sister ship. The repairs to the *Monadnock* cost \$69,749, or \$62,470 less than was expended in keeping the *Monterey* in first-class condition. Therefore the Government saved \$530,981 by doing its own work.

The original boilers placed in the *Monterey* by the contractors had to have a new set of tubes at the expense of the Government. Later the boilers were replaced, while those furnished the *Monadnock* by the Government mechanics have as yet shown no signs of wear. When ships are built in Government navy-yards, no inspection charges have to be paid, and the contractors' profits are divided among the men who do the work and do not go into the pockets of wealthy contractors.

We will look at the cost of the repairs of each ship. The repairs made on the *Monterey* cost \$62,470 more than was paid for the repairs of the Government-built vessel. It does not require any great reasoning powers or any great brain work to understand why this should be so. A man does not have to be a shipbuilder or much of a business man to explain this, and yet, despite the lack of any special qualifications required in the case, there are men to whom it is a Chinese puzzle.

The man who signs a contract to build a ship for a stipulated sum uses the cheapest material in the cheapest manner that will pass inspection, in order to increase his profits. It is business, he says, and lets it go at that. The Government is rich and can pay for the repairs and breakdowns, he argues to himself. Besides, has he not been obliged to enter into competition to secure the job and gave prices so low that he can not afford to use honest material and skilled labor if he expects to make anything by the transaction?

How many men sitting in this Chamber to-day would intrust their ordinary business contracts to persons simply because they could have the work done for a slightly smaller price? There are but few, I am happy to say. But one may say the vessel has to pass inspection and conform with certain specifications before it is accepted by the Government, and therefore there is no chance for fraud on the part of a greedy, unscrupulous contractor. But this argument is not worthy of answer, as a contractor can be dishonest if it is profitable.

What a fearful price we would have to pay if one of our fighting machines broke down while the shot and shell were flying, and our victory turned into defeat because of the greed of the constructor of the vessel. But this might happen.

In a Government yard only the best material that can be obtained is used. There is no incentive for a man to use a defective plate, where it will escape detection, or an inferior and weak bolt in an obscure part of the ship. He does not gain anything by it. It is his whole desire to turn out the most perfect machine; the machine that will stand the wear and tear of time; not a machine

modified to meet conditions that are practically new and unprecedented. The greatest good to the greatest number is the best form of equity, and those who have watched the growth of industrial conflict can not but realize that something must be done sooner or later to prevent the growth of disorders which threaten to become chronic.

A department of labor naturally seems like a strange innovation, but it is not an illogical step in the development of a governmental system capable of coping with conditions that are the outgrowth of a complex civilization and need a corrective.

THE LETTER CARRIERS' BILL.

Now, sir, I want to state that in every Congress since I have been here a bill has been introduced for the benefit of the letter carriers. In three different Congresses—namely, the Fifty-fourth, the Fifty-fifth, and the Fifty-sixth—I had the honor of introducing such a bill myself, and I worked as hard as I could—before the committee, with members of the House, in season and out of season—continually to get a favorable report, but all in vain. I never could get the Republicans on the committee to report the bill and do justice to the deserving letter carriers of the country. Time and time again on the floor of this House have I pleaded for decent treatment for the letter carriers.

If there ever was a bill introduced in this House that ought to appeal to every member as a matter of right and justice, it is the letter carriers' bill. The bill was introduced in this Congress early in the session—to be accurate, on the 13th day of December, 1901. The Speaker referred it to the Committee on the Post-Office and Post-Roads. It is there now. It is sleeping in that committee, and it will never wake up, never come out. That is all there is to it—a most commendable bill. Why should it not be reported? Why should it be smothered in the committee? Why should it not be presented to the House and the members given an opportunity to vote for it or against it? We want a record on this bill. We want to fix responsibility, and the Republicans in this House are responsible and can not evade that responsibility.

The letter carriers' bill, now peacefully and silently slumbering in committee, has the support of over 1,450 petitions, covering nearly 2,000,000 names. One petition from New York City has on it 327,000 names. Resolutions from over 2,100 organizations, representing labor unions, boards of trade, business men's leagues, independent organizations, and fraternal associations, indorsed it. These came from all parts of the country. State legislatures, city councils, and in fact every organization of any kind, political, religious, and economic, have supported this bill, but still it sleeps. Not only that, but over 400 newspapers, daily and weekly, have supported the bill editorially. The demand that Congress take action on this bill has become general, but nothing is done. Why not? Ask the Republican members of the Committee on Post-Offices and Post-Roads.

Mr. Speaker, I am a friend of the letter carriers. The Government in all its service has no more honest, no more tireless, no more faithful employees. These men are the most efficient, the hardest worked in all the country's service, and the poorest paid. The letter carriers of the land are compelled to toil day and day out, in sunshine and in storm, in winter and in summer, in all kinds of weather, sometimes eighteen hours out of the twenty-four; and taking all other employees in the various departments of the Federal Government as a basis for comparison, it can not be denied that the letter carriers render the most and the hardest work for the smallest remuneration.

Now, sir, why is it when every Democrat, I believe, on this side of the House is anxious for a favorable report of this bill, is anxious to have it passed, is anxious to vote for it to make it a law, why is it, I ask, that the Republicans in this House smother the bill every session in the committee? Why is the Republican party against the letter carriers' bill? Is it because a few Republican leaders of this House are opposed to giving the letter carriers decent wages? Or is it because the Republicans are so busy legislating for monopoly that they have no time to legislate for man? And to think of it! The chairman of the committee, the gentleman from California [Mr. LOUD], has the brazen audacity to rise in his place in this House and to impudently assert that this great Government can not afford to pay the letter carriers and postal employees decent wages! And in the face of the fact that we have in the Treasury a surplus of over \$208,000,000, the largest surplus in all our history, and every dollar taken from the pockets of the taxpayers.

CUBAN RECIPROCITY.

And so, Mr. Speaker, it is the same old story all along the line—cant and hypocrisy and false pretense. Verily, verily, I say unto you, their synonym is modern Republicanism run mad. The Republicans pretended to be the friends of the Cubans, and promised them a large measure of reciprocity; but a few Republican beet-sugar Senators thwarted the will of the people and killed Cuban reciprocity in the alleged house of its supposed friends. And Cuba, our ward, can suffer, and must get along the best she can.

A FEW OTHER MATTERS.

Now, gentlemen on the Republican side of this Chamber, just a few words more and I shall conclude. Let me ask you, What has become of all your fine promises. Why have you not to some slight degree reduced the tariff tax, which robs the many for the benefit of the few? Why do you refuse to reduce exorbitant tariff taxation on trust-made goods, which are sold cheaper in Europe than in this country? Be candid, my Republican friends. Democrats have introduced bills to do this.

Why have you killed these good bills in the committee? Will not some Republican answer? I pause for the reply. No answer. Well; I will tell you. It is because your party—the Republican party—the grand old humbug party—is owned and controlled by the trusts of the country, and I say here and now, without fear of successful contradiction, that so long as the Republicans are in power the trusts will be secure and will flourish like a green bay tree.

What has become of the resolution to amend the Constitution to elect Senators in Congress by a direct vote of the people? It passed this House early in the session—the vote was nearly unanimous. What has become of it, gentlemen? I will tell you. Killed as usual by a few Republican trust Senators sent to the other branch of Congress to look after special interests—killed by them notwithstanding the millions of petitions for it and the popular demand that it be enacted into law.

I despair that this much-needed reform will ever pass the Senate, especially as that body is now constituted. What has become of the bill to abolish government by injunction? Ask of the winds, and they will whisper back, "Killed by the Republicans." I ask the plain people of our land, How long, how long, will you submit to a betrayal of your rights by the Republicans?

THE PACIFIC TRANSPORT SERVICE.

Some time ago, sir, I introduced the following concurrent resolution:

Whereas the allegations of inadequate and scandalous conduct of the affairs of the United States transport service between San Francisco and the Philippine Islands, made by the Examiner and other leading newspapers, have been sustained by the official reports to the War Department by special War Department inspectors Col. John L. Chamberlain and Col. Marion P. Maus; and

Whereas no action commensurate with the gravity of the conditions shown to have existed has been taken by the Secretary of War: Therefore,

Resolved by the House of Representatives (the Senate concurring), That the working of the transport system be investigated by a Congressional commission to consist of three members of the House and three of the Senate, which shall have power to send for persons and papers, and to make report at the next session of Congress.

What has become of this resolution? Killed in the committee by the Republicans. Why did I introduce it? Write to the Secretary of War and respectfully request him to send you a copy of the official reports of Col. John L. Chamberlain and Col. Marion P. Maus. Those reports will tell the story. I have not the time now to go into details. Suffice it for me to say, however, in the few minutes I have left, that these reports show most conclusively that hundreds of thousands of dollars of the people's money have been wasted or stolen, or both.

No proper vouchers for Government money expended. Extravagant sums paid for repairs of the transports and to San Francisco merchants for supplies. Coal stolen and false statements made as to the amount on hand. The taxpayers' money wasted like water because the men charged with the responsibility buy the supplies in open market instead of buying by competition from the lowest responsible bidder, in accordance with custom and law.

Just let me call your attention to one item. Colonel Chamberlain says in his report that the transport *Meade* was recently purchased for \$400,000, and that since she was purchased by the Government the War Department has spent on her the sum of \$580,000 for repairs—\$180,000 more than she cost. What do you think of that? It is only a sample, however, of what is going on, and has been going on for a long time, in the Army transport service on the Pacific between San Francisco and the Philippines. And so the Republicans in Congress smothered that resolution. They did not want an investigation. Taxpayers, citizens, Americans, you know the reason why!

The SPEAKER. The time of the gentleman from New York has expired.

Mr. DICK. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, of all the 15,000 bills which have been offered for our consideration, perhaps this is the one of which I know least. [Laughter.] Perhaps I am the only member of this House that does not know all about this bill. [Laughter.] Not being a member of the committee having it in charge, I do not claim to know all about it.

But I do know, Mr. Speaker, that the militia laws of the United States are out of date and very inadequate to present requirements. I do know that a well-trained militia is of the utmost

purpose as such a piece of patchwork can be. Realizing that the exclusion law of the past ten years, just terminated, and which is now superseded by the law just enacted, was spread over a series of acts, treaty stipulations, court decisions, and Treasury regulations which required vast research in order to ascertain the exact status of any tangible feature, the American Federation of Labor representatives, together with the representatives of the California Chinese exclusion convention, drafted a bill which was a codification of all these various laws, treaties, decisions, and Treasury regulations into a comprehensive measure, so that if it had been enacted it would have presented to the Government officials as well as any student or ordinary citizen of this or any other country a comprehensive law that anyone could understand. But the wise solons of the Republican party decreed otherwise, and, whether out of antagonism or ignorance, they imposed on the country a law which, unless remedied soon by further legislation, rectifying the wrong and the shortcomings, or by the voluntary acquiescence of China, will open the mainland of the United States to the dangers of an overwhelming horde of Chinese laborers.

Under the old law, Chinese, or persons of Chinese descent, were excluded from the United States, no matter from whence they came. Under the law just passed they can be excluded only when such exclusion shall be "consistent with treaty obligations." In no way does the law designate that the exclusion shall be consistent with treaty obligations with China, and hence, while the provision is made that they shall be excluded if they come from China to the United States, or from China to the Philippine Islands, there is no provision of law against Chinese going to Hong-kong, which is under the British Government, or from China to Mexico, and coming from either of these places into the United States.

Now, sir, in view of the treaties between the United States and the Governments of Great Britain and Mexico, providing for free and unlimited coming and going of their citizens and subjects to and from the United States, and with the well-known desire on the part of Chinese laborers to come to our country and compete with American workmen, and this desire fostered and encouraged by the shipping and transportation companies, as well as the purpose of the Chinese Six Companies and a large number of American employers who constantly harp upon the idea of introducing into the United States a horde of cheap laborers, it is not difficult to understand the danger which threatens and confronts the workers of our country.

THE EIGHT-HOUR AND IMMIGRATION BILLS.

Mr. Speaker, so much for Republican pretensions regarding Chinese cheap labor. Now let us see what else was done for the toilers. The eight-hour and immigration bills were passed in the House for buncombe only—just like last session's antitrust bill—with no idea of allowing them, or either of them, to be enacted into statute law. All labor bills are opposed by the great trusts, which have more weight in the scale of the Republican party than the millions of signatures to petitions in favor of these bills. When the ship-subsidy bill was up, the whole argument for the millions of dollars which were asked for in that bill was based on the phrase "that they needed the money" in order to pay higher wages for American seamen.

Yet, in the worthless substitute for the Chinese-exclusion bill, which was finally passed, it has been so arranged that Chinamen can be employed on all our ships, even as sailors. The clause forbidding employment of Chinese seamen on American vessels was struck out in the Senate by a vote of 47 to 29, the petitions to the contrary notwithstanding. Millions for subsidies, millions for the trust, but not even consideration for honest labor bills and only contempt for petitions asking the poor privilege of justice for the toilers.

And as for having war ships built in Government navy-yards, the naval appropriation bill may possibly drop a crumb to the petitioners in the shape of one ship to be built in a Government yard, while in one of the trusts' yards there are now four war ships on the stocks. These petitioners I say can not be hoodwinked again by promises to enact their bills into law after the election. If there is any intention to pass them, why not pass them now? Nearly every man, woman, and child in the country knows what the eight-hour question is. It has been before Congress for years, ever since 1868. Why delay action on this measure?

Is the Republican party so completely in the grasp of the trusts that these unlawful combinations can hold up all the labor bills? I assert here and now that not one of these bills will be passed by this Congress. This is a serious matter and I challenge the Republican majority to allow one of these bills to be voted on before they close the session. We Democrats will vote against any resolution to adjourn unless you pass some of these bills.

This so-called shipping trust is holding up Congress this very moment and demands the expenditure of \$40,000,000 for Govern-

ment work in their yards, and necessarily at their prices, when the Government has yards of its own and can build its own ships and employ American workmen on their construction and can man them with American seamen when they are built. But, as I have said before, it is my belief that no action will be taken at this time; no matter how numerous the workmen's petitions pour into Congress they will be either ignored or legislated on adversely, as was the case with the Chinese-exclusion bill. Workingmen, you have asked for bread and the Republican party has given you a stone. But the remedy is in your own hands. What is it? The ballot. If you want your rights, vote against the party of trickery and chicanery, the party that has deceived you over and over again.

THE BILL TO ESTABLISH A DEPARTMENT OF LABOR.

Mr. Speaker, a few words now in regard to another matter I deem of some moment. It relates to the bill I introduced to establish a department of labor, with a Cabinet officer to be known as the secretary of labor, and is intended to meet an urgent need of the times in our industrial and governmental affairs.

In times past the governments of the world were largely occupied with war and diplomacy, hence a war department, a navy department, and a state department were essential features of every government.

We are now in the beginning of a new era in the world's history, when industry and commerce, instead of war and diplomacy, are to be the chief subjects occupying the attention of governments. For this reason and in order that the Government of the United States may be prepared to deal properly with these new and changed conditions, I have introduced two bills, one to provide for a department of labor and another providing for a department of commerce.

The need for a department of labor on the lines provided in my bill is clear to every citizen who reads and looks with any degree of clearness on the industrial phenomena around us to-day in the United States.

After the preservation of order and the administration of justice, by far the most important duty of government to-day is to see to it that all its citizens are employed or have the opportunity to be employed at productive labor.

When any considerable number of the citizens of the country are shut out of the opportunity to labor the loss in wealth to the country is almost incalculable, and is equaled only in magnitude by the gigantic losses from great wars.

For example, the census of 1890 shows that during that year there were 1,139,000 people in enforced idleness. The census also shows that the average wealth produced per head by these workers was about \$2,000 per year. Thus the United States suffered a loss of over two and a quarter billions of dollars in a single year from the failure to secure employment of this large number of its workers. This loss shows most impressively and conclusively the urgent need of such legislation as that embodied in my Department of Labor bill.

The great labor organizations of the country appreciate more than any other class of intelligent citizens the need of such legislation, and year after year have demanded it of Congress, but without result.

The failure of all other methods of settling the great coal strike shows most emphatically the need of the arbitration and conciliation provision in section 20 of my bill. The time has come when further delay on the part of Congress to act on this legislation is inexcusable.

I have devoted much time and care in the preparation of this bill, and it should be studied by the writers on the press and every thinker in the country. It will help in a large measure, in my judgment, to solve existing and future social, economic, and industrial problems. It will be a step in advance and in the right direction. It will protect and add dignity to labor, which creates all wealth, and do much to preserve the wealth created and conserve peace and order.

I shall keep on fighting for it, and sooner or later it will become a law, but during this session of Congress I could not get the Republicans to report it. If it had been reported it would have passed. The men who create all the wealth of this country demand the enactment into law of this bill.

The Washington Times, owned and edited by Frank A. Munsey, in a recent leading editorial commenting on this bill to establish a department of labor, said:

WORTHY OF CONSIDERATION.

The proposition of Representative SULZER for a department of labor will at least bear careful consideration. There is every reason to believe that the greatest problems of the near future will be industrial and commercial. The questions involved are intricate and most important. The material welfare of the nation depends upon the reasonable solution of the questions involved and the neglect of these questions is, as Mr. SULZER has pointed out, certain to lead to almost incalculable losses.

A popular government has the right to act in matters that concern the welfare of the nation. Some old-fashioned ideas may have to be slightly

which the work would be done, and although the specifications did not call for a time bid, the concern that received the contract—although at a higher price—received the order because, as I was told, they specified the time in which they would have the boat ready; and the first firm omitted that detail, although it was not in the specifications, and their price was lower.

The naval constructors to a man are most enthusiastically in favor of this measure. They are all agreed that as matters stand at present, when repair work is slack, the skilled forces at the various yards have to be broken up and dismissed, and that consequently there is a great loss of time and a scattering of disciplined forces, which it is difficult and generally impossible to gather together again when repair work is plentiful. With a battle ship and cruiser on hand at our three leading navy-yards—Boston, New Charlestown, New York, and Brooklyn—it would be possible to keep a force of first-class mechanics continually employed, transferring them from repair work to construction when necessary.

It is only just to the mechanics employed that this should be done. They are laid off through no fault of their own and much suffering is caused among their families.

The Charlestown Navy-Yard inside of a year will be one of the best equipped navy-yards in the country and will be prepared to do any kind of work. The total value of the Government navy-yards is \$113,074,510, and it costs \$18,404,047 annually to maintain them and produce \$4,157,266 in results.

If there were \$20,000,000 worth of construction work at the navy-yards, the cost for maintenance would not be greater than it now is. In view of these facts it is the height of folly not to experiment with the construction of ships by the Government.

In conclusion, Mr. Speaker, I want to see at least 3,500 men permanently employed in the Charlestown Navy-Yard, each man perfecting himself in his own line of effort until he has reached such a degree of excellence that his handiwork will rival in accuracy the finest art of the watchmaker. I want the busy hum of machinery to sing the song of contentment to thousands of happy families, the right arm of the family developing the right arm of the Republic, both keeping equal pace in development, both working for the preservation of the peace of the world. I am not hostile to the private yard. On the contrary, I believe in helping it out in every possible way that is legitimate and honorable, but as between putting vast profit into the pockets of a few already wealthy men and providing permanent employment for the worthy mechanic, I am with the mechanic both on economic grounds and the loftiest grounds of patriotic sentiment. [Applause.]

Mr. STARK. Mr. Speaker, how much time have I remaining? The SPEAKER. Four minutes.

Mr. STARK. I yield two minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, this bill has the indorsement of the adjutant-general of my State, and my knowledge of its provisions leads me also to approve of it. But I have not time to enter into its merits; I have risen for the purpose of asking unanimous consent to extend in the RECORD my remarks upon another bill—House bill 15109.

The SPEAKER. The gentleman asks unanimous consent to extend in the RECORD his remarks on House bill 15109. Is there objection? The Chair hears none.

[Mr. SMALL addressed the House. See Appendix.]

Mr. STARK. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. SULZER].

The SPEAKER. The gentleman from New York has three minutes.

Mr. SULZER. Mr. Speaker, this is a bill to promote the efficiency of our militia, and I am in favor of it. I have always been the friend of the volunteers; I believe in them, and I believe in the effectiveness of our citizen soldiery. This bill may not be perfect. Very little legislation is perfect; but if there are any material defects in the bill, they will soon be discovered and can be corrected hereafter. This bill has been most carefully considered, approved by the adjutants-general of all the States, and comes to us with a unanimous report from the committee. I shall vote for it, and I do not believe the fears of some of the gentlemen who have spoken against the bill are well founded. I have given considerable study to this matter and have always been in favor of that good old Democratic doctrine enunciated by Thomas Jefferson in favor of a well-disciplined militia.

It is the best security of a free people. I am now and always have been opposed to a large regular army in time of peace in a Republic like ours. It is true, as has been said, that we have on our statute books a lot of old, antiquated, and obsolete militia laws, some of them enacted in 1792. Most of these laws are useless today, and inoperative. This bill eliminates the obsolete laws, codifies the useful laws, and brings them up to the present time, per-

fects them, and makes it possible for the States in this country to get Government aid and have a great body of well drilled, disciplined, and modernly equipped citizen soldiery.

If this bill becomes a law, and I hope so, it will give to the several States a national guard—a military organization armed and equipped the same as the Regular Army. The Spanish-American war demonstrated the importance of having this done, and we should not neglect it. In this country every able-bodied citizen in time of war—when our homes are threatened by an invasion from a foreign foe—is a soldier and a good fighter. I believe in the bravery and the patriotism of the American citizen, and so long as our martial spirit lasts, and we glory in our free institutions, the Republic will be safe and endure. I hope the bill will pass.

A BILLION DOLLAR SESSION OF CONGRESS.

Now, Mr. Speaker, I shall take advantage of the time at my disposal to submit to the House a few remarks on some matters that I believe to be pertinent and of some moment to our fellow-citizens. We have been in session since the first Monday of last December. It has been indeed a long session, and it has been the most expensive session of Congress ever held in all our history. We have spent a great deal of the people's money—nearly a billion dollars. And what for? Let us see. I hold in my hand a statement of the appropriations made this session, and I ask the Clerk to read it.

The Clerk read as follows:

Appropriations of the Fifty-seventh Congress, first session. [Omitting hundreds.]

Urgent deficiency	\$20,384,000
Pension	139,842,000
Consular and diplomatic	1,958,000
Second urgent deficiency	193,000
Post-Office	138,472,000
Third urgent deficiency	75,000
Legislative, executive, and judicial	25,398,000
Ordinance and fortifications	7,299,000
Fourth urgent deficiency	178,000
Omnibus claims bill	1,640,000
Agricultural	5,210,000
Rivers and harbors	65,108,000
Omnibus public buildings bill	19,425,000
Indian	9,080,000
Sundry civil	60,125,000
District of Columbia	8,548,000
Military Academy	2,827,000
Panama canal (one year)	189,130,000
Army	91,530,000
Navy	78,681,000
General deficiency	8,250,000
Miscellaneous	2,250,000
Permanent appropriations	123,000,000
Total	998,403,000

Mr. SULZER. Now, gentlemen, that statement speaks for itself. It can not be successfully controverted. This is a Republican Congress—overwhelmingly Republican in both branches—and the Republican party must assume the responsibility for all its acts of commission and omission. The Republican party is responsible for all that has been done and all that has been left undone—for all the flagrant extravagance and abuse of power—during the first session of the Fifty-seventh Congress. A billion-dollar session of Congress is an anomaly in our legislative history. I ask the taxpayers to ponder on these facts. I ask the people how long they are willing to submit to it, and all for a little cheap glory of conquest; all for a little glitter and pomp and circumstance; all for a little tinsel and tassel and gold lace? How long do you want it to last? You can answer in the coming elections. Ask yourself what has this Congress done for you—what has it done for the rank and file?

IS THE RIGHT OF PETITION FUTILE?

What has this Congress done for labor? Where are the bills which were petitioned for by millions of workingmen? Congress has been deluged with petitions more numerous than "the leaves in Valambrosa," and all to no purpose. The Republican party has turned a deaf ear to these petitions. It has legislated either adversely on them or ignored them altogether.

No man will again be deceived by the Republicans passing a measure in the House and holding it up in the Senate, as was done with the antitrust bill in the last Congress. But this plan worked so well then that it has been tried again with the same idea of deceiving the workingmen of the country who have signed these petitions of which I speak. The eight-hour bill is a shining example, as well as the immigration bill, the letter carriers' bill, the overtime pay or excess of eight hours on Government work bill, the building of war ships in Government yards bill, and the Chinese-exclusion bill. All denied except one, the Chinese-exclusion bill, and the legislation on that subject was adverse to the true interests of American labor.

THE CHINESE BUNCO LAW.

As a matter of fact, the so-called Chinese-exclusion act is as defective, deceptive, and inefficient to accomplish the desired

that has been constructed to pass the inspector's eye by a narrow margin and return a handsome profit to its builder. All this must be considered when the relative cost of constructing ships in private and Government yards is discussed.

Another factor which must be considered, Mr. Speaker, is the time required by private yards to construct a vessel. They are all congested with work, and although the major portion of their enormous earnings is undoubtedly derived from Government work, this class of work is pushed to the rear and delayed, while private work, paying a smaller profit, is rushed ahead until completed. This is neither just nor businesslike, and only serves to accentuate the way in which the contractor regards the Government.

It is an outrage that this state of affairs exists and is allowed to continue. The shipping combines have the United States Government under their thumbs and do as they please.

Representatives of shipping combines have attempted to delay the authorization of new ships for the American Navy. They have allowed their sordid greed and mercenary desires to master their patriotism, and notwithstanding the fact we know not when we may be plunged into war and need every ship that we can obtain, have worked against an increase of the American Navy because they were already receiving all of the Government pay they can swallow, and are fearful lest the Government would build its own ships and find that it could do the work more satisfactorily, if not so cheap.

On January 1, 1902, there were in process of construction 8 battle ships, 6 armored cruisers, 9 protected cruisers, 4 monitors, 15 torpedo-boat destroyers, 9 torpedo boats, and 7 submarine boats. Although this total of 58 ships under construction would seem to indicate the activity with which the construction of our navy is being carried forward, it is unfortunate that the figures are misleading, for the reason that the private firms that have undertaken the contracts for these ships are woefully behind their contracts. Out of the whole 58 no less than 35 are behind from nine months to over three years. And yet not a word of protest is raised and these ship contractors come forward with claims against the Government for failing to deliver to them armor plate on time.

This disgraceful state of affairs should not be allowed to continue; the growth of our navy should not be hindered by mercenary shipbuilders.

Regarding the congested condition of private yards, a reliable newspaper says:

It seems evident that the builders have bitten off more than they can chew, yet they want more ships, and are doing their utmost to prevent the Navy from building its own ships. It is possible that with the formation of a ship-building trust matters may be so arranged that certain yards will construct naval vessels and others will get the mercantile work. The plan might work very well and be acceptable to the Government, which, after all, only requires work done according to the contract and at a reasonable cost, but there are grounds for apprehending that the trust would demand higher prices in order to pay dividends on its diluted capital stock.

It has been asserted by the opponents of shipbuilding in navy-yards that there is no telling how much a ship built by the Government will cost. This applies with equal force to contract-built ships. The contractor rarely pays any penalty, but claims for alleged extra work—damages sustained from various causes—are presented and liberal compensation allowed. Notwithstanding the vast improvements made during the last dozen years in tools and labor-saving devices, there has been no corresponding increase in rapidity of construction or decrease in cost of naval vessels, nor are any material improvements in this direction to be expected from the trust. Improved tools and labor-saving devices must certainly cheapen the cost of constructing ships, and the money saved in this manner must certainly go into the hands of the combine. How long will we let the contractors take advantage of the Government? How long will we let costly machinery rust away and skilled mechanics remain idle?

On the other side of the book, it will be seen that the Government is not seeking to make a profit on its work. So if a contractor gives a figure for a piece of work, figuring on a nine-hour day and calculating a generous profit, the Government certainly ought to do as well, figuring on an eight-hour day but not looking for a profit.

I find in the report of the Committee on Naval Affairs, on page 19—

In view of the fact that there is some public sentiment favorable to building ships in our Government navy-yards, it has been deemed advisable by the committee to insert a provision in the appropriation bill of this year leaving it in the discretion of the Secretary of the Navy to build any or all ships in Government yards, but making it mandatory on him to construct at least one battle ship or one armored cruiser in such navy-yard as he may designate, as an experiment; and it is further provided that he shall keep an accurate account of all expenditures for labor and material in the inspection and construction of such ship and report to Congress at each session, and upon the completion of said ship he shall make a detailed report showing the relative cost of one built by the Government and one by contract. It is believed by your committee that nothing short of an experiment of this kind will settle the question that has vexed many minds, and at the same time will show whether private contractors have been reasonable in their bids,

and furthermore be a basis for future guidance in the continued construction of our Navy. An appropriation of \$175,000 is recommended for each yard in which a ship is built.

Why, Mr. Speaker and gentlemen, the feelings of the people on this question can not be described as "some public sentiment favorable" to the idea. It is a demand. There is a demand from the people that we should do this, and a demand we are in duty bound and should be prompt to honor.

The great and general court of Massachusetts, the legislature of my own State, a body which for brains and intelligence and cold, hard-headed business sense is not surpassed in the United States, has just adopted the following resolutions, which I will read at this time:

Commonwealth of Massachusetts. In the year 1902. Resolutions relative to the building of war vessels in navy-yards of the United States.

Resolved, That the Senators and Representatives from Massachusetts in the Congress of the United States are requested to use all reasonable efforts to secure the passage of the naval appropriation bill now pending in such form as shall authorize the construction by the United States Government in its own navy-yards of some of the war vessels to be built under the provisions of that bill.

Resolved, That properly attested copies of these resolutions be sent to each of the Senators and Representatives from Massachusetts in Congress.

SENATE, May 1, 1902.

Adopted, sent down for concurrence.

HENRY D. COOLIDGE, Clerk.

HOUSE OF REPRESENTATIVES, May 7, 1902.

Adopted, in concurrence.

JAMES W. KIMBALL, Clerk.

A true copy. Attest:

Clerk of the Senate.

And so all over the country, every member of this House is deluged with petitions from labor organizations, boards of trade, city councils, and State legislatures, and, in fact, almost every assembly gathered to discuss questions of public interest have adopted resolutions favoring the building of Government vessels in the Government navy-yards. We have in Boston a splendid opportunity to examine into the merits of this question by observing actual operation.

On one side of Boston Harbor is located the new and, I sincerely hope, successful plant of the Fore River Ship and Engine Company building; there to-day are the battle ships *New Jersey* and *Rhode Island*, 15,000 tons each, contract price of each being \$3,405,000; protected cruiser *Des Moines*, contract price \$1,035,000; torpedo-boat destroyers *Lawrence* and *McDonough*, contract price each \$281,000; total Government contracts, \$8,437,000. Across the harbor in Charlestown at the Boston Navy-Yard is located a plant valued at about \$13,000,000, on which we expended for maintenance and improvements during the fiscal year ending June 30, 1901, \$1,252,408.

We have also there the accumulated experience of nearly one hundred years in handling vessels and a picked lot of men filled with the traditions of the trade and anxious for steady work.

James O'Connell, president of the International Association of Machinists, said at a hearing held to consider the question we are now discussing: "In fact, the New England States are credited with having the highest mechanical skill in the country."

This may well be accepted as authority concerning the rank and file, the bone and sinew of the yard, and while my personal opinion on the matter is of no interest, my observations and investigations convince me that Mr. William J. Baxter, the naval constructor at the Boston Navy-Yard, is one of the foremost, if not the foremost, naval constructor in the United States. Now, there is the situation. If the Fore River Ship and Engine Company can take contracts amounting to over \$8,000,000 and make a profit on same, why can not the Government, with its enormous plant, build at least a cruiser over at the Charlestown yard and get it out without sustaining a loss?

On page 17 of the committee report I find a table showing the ships now in process of construction, and their degree of completion April 1, 1902.

The table is incomplete, uninteresting, uninformative. How much more entertaining reading would the table be if the committee had added the date on which the contractors had agreed to have their several boats finished. I have not gone into the table in detail, but I have personal knowledge of one boat, which I will not mention unless all the others are mentioned also, which was to have been launched last November, and to-day, six months later, she has not been thrown overboard. Now, what I want to know is this: Does the Government get any rebate on the contract price by reason of failure to have the boat ready at the stipulated time?

I think if we have a naval constructor in one of our yards, and he could not get a boat into the water inside of six months after the date he had agreed to launch her, there would be a hearing on his case, an investigation, and good chances for a subsequent vacancy in that particular position.

Only the other day my attention was directed to a case where a shipbuilding concern in my district failed to receive a contract for repair work on a boat because they did not specify the time in

importance to this Republic. I do know that the National Guard of Pennsylvania is the largest, finest, and best-drilled body of State troops in the Union to-day [applause]; that it desired to go as a body into the service of the United States, and that most of its members did serve in the war with Spain. I do know that Pennsylvania has an exceedingly popular and most capable adjutant-general, and that he and other officers of the National Guard assure me that the passage of this bill is most desirable and necessary. Therefore I hope that it will pass. [Applause.]

Mr. DICK. Mr. Speaker, in order that the House may have a sample of the law which we expect to repeal I ask the Clerk to read section 1628 of the Revised Statutes.

The Clerk read as follows:

SEC. 1628. Every citizen shall, after notice of his enrollment, be constantly provided with a good musket or firelock of a bore sufficient for balls of the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than 24 cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot-pouch, and powder-horn, 30 balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutered, and provided when called out to exercise, or into service, except that when called out on company days to exercise only he may appear without a knapsack. And all arms, ammunition, and accouterments so provided and required shall be held exempted from all suits, distresses, executions, or sales, for debt or for the payment of taxes. Each commissioned officer shall be armed with a sword or hanger and spontoon.

Mr. DICK. Mr. Speaker, I do not think it needs better proof to maintain the assertion in the President's last message that the militia laws of the country are obsolete. The effort of your committee has been to bring in something modern, something practical. It comes here with a unanimous report, filed more than three months ago. The press of the entire country has universally approved the measure. The National Guard organizations of every State and of every section of the country have indorsed its provisions.

The Secretary of War approves it with a letter which is filed with our report. It may not be a perfect law; we make no claim to perfection, but it is the belief and hope of your committee that this law will bring about at a minimum of expense a maximum of our military power, and that in times of peace we shall be able to reduce the standing army of our country to the very minimum. Mr. Speaker, I might go on in detail and explain the provisions of this act, but it has been in the hands of members of Congress with reports for so long a time that I think it best now to call for a vote. Before doing so I ask unanimous consent that leave to print remarks on the bill be granted to members for the period of ten days.

The SPEAKER. The gentleman from Ohio asks unanimous consent for general leave to print on this bill for ten days. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I do not think it ought to be given for ten days.

Mr. DICK. I will modify the time. How much time does the gentlemen suggest?

Mr. RICHARDSON of Tennessee. I shall object to a longer period than five days.

Mr. DICK. I am willing to so modify the request.

The SPEAKER. The request is modified to five days. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question now is on suspending the rules and passing the bill.

The question was taken; and on a division (called for by Mr. CLAYTON) there were—ayes 180, noes 28.

So (two-thirds having voted in favor of the motion) the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed a joint resolution of the following title; in which the concurrence of the House was requested:

S. R. 130. Joint resolution authorizing certain temporary repairs to the Aqueduct Bridge, District of Columbia.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 11573. An act for the relief of settlers on lands granted in aid of the construction of wagon roads;

H. R. 14087. An act granting a pension to Lizzie Dunlap;

H. R. 13617. An act granting an increase of pension to Anne M. Luman; and

H. R. 7105. An act granting an increase of pension to Silas Stotts.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6117) for the relief of George Lea Fibiger.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12805. An act requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes; and

H. R. 12977. An act granting an increase of pension to William L. Church.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3896. An act to amend section 3362 of the Revised Statutes, relating to tobacco.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. Res. 130. Joint resolution authorizing certain temporary repairs to the Aqueduct Bridge, District of Columbia—to the Committee on the District of Columbia.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I present a conference report on the general deficiency appropriation bill, and ask unanimous consent that the statement may be read and that the reading of the report may be omitted.

The SPEAKER. The gentleman from Illinois calls up the conference report on the general deficiency bill, and asks unanimous consent that the reading of the report be omitted and that the statement only be read. Without objection this course will be pursued.

There was no objection.

The conference report was read.

[For report of the committee of conference see page 7605.]

The Clerk read the statement of the House conferees, as follows:

The managers at the conference on the part of the House on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies, submit the following written statement in explanation of the action on each of the amendments in the accompanying conference report, namely:

On No. 26: Strikes out the appropriation of \$1,000,000 proposed by the Senate on account of the Territory of Hawaii;

On No. 34: Inserts the limitation proposed by the House in the amendment of the Senate appropriating \$25,000 for the Ohio River;

On Nos. 81 and 82: Appropriates \$1,000, to be paid in the discretion of the Superintendent of the Capitol, to certain employees injured while employed on the Capitol building;

On Nos. 87 and 88: Appropriates \$2,679.44, as proposed by the Senate, for services of a receiver and register of the land office in Alaska;

On No. 90: Appropriates \$15,000, instead of \$30,000 as proposed by the Senate, for fencing and for buffalo in the Yellowstone National Park;

On No. 91: Strikes out the appropriation of \$175,000 proposed by the Senate for survey of certain Indian reservations and inserts a provision requiring specific estimates for such surveys to be submitted to the next session of Congress;

On No. 93: Appropriates \$800, as proposed by the Senate, to pay for services of a clerk in the post-office at San Antonio, Tex.

On Nos. 99 and 116: Strikes from the bill the appropriation of \$10,000 as proposed by the Senate and \$1,000 as proposed by the House, to purchase manuscript for a new edition of Charters and Constitutions.

On amendment numbered 9, making an appropriation for the Charleston Exposition, the committee of conference have been unable to agree.

J. G. CANNON,
S. S. BARNEY,
L. F. LIVINGSTON,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. CANNON. Mr. Speaker, there is one amendment yet undisposed of. That is the amendment of the Senate that appropriates \$160,000 for the Charleston Exposition. I will move that the House further insist upon its disagreement—

Mr. FINLEY. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 9, and agree to the same.

The SPEAKER. The gentleman from South Carolina moves—which is a preferential motion—that the House recede from its disagreement and concur in the amendment of the Senate.

Mr. CANNON. Mr. Speaker, a moment. I want to ask unanimous consent at this time that I may be permitted to file the usual statement of appropriations and matters connected therewith within the next five days.

The SPEAKER. The gentleman from Illinois asks unanimous consent that he may be permitted to file for publication in the RECORD a statement of the appropriations of the present session. Is there objection?

Mr. CANNON. And I will also ask in the same connection that any member of the Committee on Appropriations may do the same, if he desires.

The SPEAKER. The gentleman from Illinois modifies his

request so that it shall apply to all members of the Committee on Appropriations. Is there objection?

Mr. RICHARDSON of Tennessee. I understand that it is expressly limited to five days. I shall object unless it is, because we ought not to have a RECORD issued thirty or sixty days after the adjournment of the session, as we have before.

Mr. CANNON. I think five days will be quite long enough. I now hope to print the statement that I shall offer in the RECORD of Wednesday morning.

Mr. BENTON. I think that will be sufficient time for us.

Mr. LIVINGSTON. I want to say that my statement will be published in the RECORD on Wednesday morning.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, it is proper for me to say, touching the only amendment of the Senate that is not disposed of, the disposition of which alone stands in the way of the enactment of the deficiency bill, all other matters being closed, that the Senate is insistent upon this amendment. It is proper for me to say, further, that this amendment originated in the Senate, that it is without law, and is legislation and appropriation combined.

If the House should further insist upon its disagreement, under the practice in such matters it is the part of the Senate to recede. That is the invariable rule between the two bodies. When one body proposes legislation or appropriation not authorized by law, in connection with or as an amendment to an appropriation bill, that body invariably recedes if the matter can not be accommodated between the two bodies. In this instance the Senate proposes the amendment. I want to be exactly fair—

Mr. FINLEY. Mr. Speaker—

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from South Carolina?

Mr. CANNON. - In a moment. I want to be exactly fair with the House. In my judgment, if the House intends to vitalize the amendment for Charleston, S. C., this is its opportunity. I do not care at this time, so far as I am concerned, to speak further of its merits.

I do not care to go back and hold a post-mortem over the merits of the Buffalo appropriation. That is vitalized as soon as this amendment is disposed of and the bill is signed by the President. It does not do much good to talk about last year's birds' nests. I shall vote against this amendment, so far as I am concerned, as I did before, and will repeat now what I stated a few hours ago when that matter was before the House for consideration.

This amendment is wrong. The Buffalo amendment was wrong. The Buffalo amendment passed. This was rejected. Somebody suggested that when you considered the two propositions together it was like unto straining at a gnat, this being the gnat, and swallowing the Buffalo camel. [Laughter.] That is what it is. It is a peculiar cross, but we have swallowed it.

Mr. FINLEY. One question.

The SPEAKER. Does the gentleman yield?

Mr. CANNON. In a moment I will yield. Now, having stated this much I stand ready to yield to the gentleman from South Carolina a brief time. How much time does my friend desire?

Mr. FINLEY. Mr. Speaker, I merely wish to say, as I understand the gentleman's conviction, it is that between the two propositions his view is, and he has so stated privately, that the Buffalo proposition has no advantage over Charleston. [Laughter.]

Mr. CANNON. Well, one is a great big kettle, Buffalo, and the other is a little bit of a black pot, Charleston. [Great laughter and applause.]

The SPEAKER. The question is on the motion of the gentleman from South Carolina.

Mr. CANNON. Mr. Speaker, I desire to yield some time to the gentleman from Mississippi. I beg the pardon of my colleague, the gentleman from Georgia, a member of the conference committee. I yield to him such time as he may desire.

Mr. LIVINGSTON. Mr. Speaker, it is a well-known fact to every member of this House that this amendment originated in the Senate. It is also well known that our Appropriations Committee turned down both appropriations, that for Buffalo as well as that for Charleston.

More than that, I want to say, Mr. Speaker, that I voted against the Buffalo appropriation and against the Charleston appropriation; but I undertake to say in my place that this House giving Buffalo \$500,000 without any merit, and perhaps with less merit than Charleston, it looks to me that it would be an outrage to allow Charleston to go without this pittance of an appropriation after having given Buffalo \$500,000. [Applause on the Democratic side.]

All I wish to say now is that it can not be justified on either side of this House, nor can it be justified before the public of this country to make such a discrimination between the two places. I ask the House to look at it in that light.

Mr. CANNON. I will yield to the gentleman from South Dakota in a moment, but I yield to the gentleman from Mississippi [Mr. WILLIAMS]—how much?

Mr. WILLIAMS of Mississippi. About two or three minutes.

Mr. CANNON. Well, three minutes.

Mr. WILLIAMS of Mississippi. Mr. Speaker, both of these appropriations are superlatively wrong. There is nothing that I know of that grants the Federal Government the right to carry on a national or any other sort of a show. I think it would be just about as much within the power of the Federal Government to make an appropriation for an effective display of stereopticon picture exhibits as either one of these two things.

But, Mr. Speaker, the majority of this House took a different view of this matter when it made the appropriation for the Buffalo exposition. There is no difference at all between these two things that I can discover, except two.

First, that Buffalo is in the north and that Charleston is in the south, and, second, that the men who wanted the Buffalo exposition appropriation obtained the aid and assistance of Congress in order to get money out of the Treasury by promises more extreme than those given for the Charleston exposition, and after the Charleston exposition people had voted for the scheme of the Buffalo men, the latter then vacated their seats in order to prevent giving the quid pro quo.

I do not find but one other difference between the two things, and that is that I consider Charleston stands upon a much higher plane of equity before Congress than Buffalo does. The Buffalo men's promises not to apply to Congress for any other appropriation were much more sacred in their character and under the conditions under which they were given than any like promises upon the part of Charleston.

You can go forward to-morrow, if you please, having first set aside all constitutional limitations in both cases, and then brand yourselves as having made an appropriation of exactly the same character for the North and having refused it for the South, if you choose. I can not find, for the life of me, any justification for either appropriation; but if there be justification for the Buffalo appropriation, there is just twice that much justification for the Charleston appropriation. [Applause on the Democratic side.]

Mr. CANNON. I yield five minutes to the gentleman from South Dakota.

Mr. BURKE of South Dakota. Mr. Speaker, the proposition embodied in this amendment was introduced into this House by a separate bill, which was referred to the Committee on Industrial Arts and Expositions, of which I am a member. The bill was considered by that committee, after a very full hearing, and the committee were unanimous in the decision that there was absolutely no merit in it whatever. This is entirely different from the Buffalo proposition.

Why, Mr. Speaker, in the hearings before the committee to which I have referred, the chairman or the president of the Charleston Exposition Association appeared and testified, and it appears from his testimony that this exposition was given simply and purely as a local matter for Charleston. I refer now to his testimony on page 2 of the hearings. He says:

I have made it a special business to show those who have come to Charleston the advantages of that city as a place for investment. Of course the exposition has been given for that specific purpose. As far as I am individually concerned that has been the purpose.

And then he says:

The question with us is whether we are going to be helped out of the lurch.

The proposition as stated by that gentleman was this, that they were simply here asking Congress for an appropriation to make good a deficit that exists by reason of this exposition.

Mr. Speaker, that gentleman was unable before that committee to state what the receipts of the exposition were; he was unable to state what the expenses had been; he was unable to state what the deficit is, and he was unable to state to whom they owed the money. And if there was any merit whatever in this proposition I say that it does seem to me that Congress can not intelligently act until we know something about what the amount of the deficit is.

Mr. BARTLETT. I want to call the attention of the gentleman to the fact that when the hearing was had Captain Wagner, in answer to the chairman of the committee, made a statement which you will find on page 20—

Mr. BURKE of South Dakota. That does not contain one syllable or one word as to the deficit or who the money was owing to. Now, I can not yield further. The Buffalo proposition provided to pay for material and labor, and we know something about who the money is to go to. This provides it shall be paid for labor, articles, and services rendered to said company for work of said exposition, and reimbursement of any officer of said company.

It appears, Mr. Speaker, that a portion of the indebtedness is

due to banks in the city of Charleston. They have an overdraft of \$31,000. The president of the association says he has obligated himself for some of this indebtedness. On page 16 of the hearings he, in answer to a question by the chairman, "Who is liable for the money?" answered, "The exposition company is liable, but the exposition company is no good; I am liable for it." Now he comes to Congress and asks an appropriation to pay a deficiency that exists there that he himself says he is liable for, and to pay overdrafts on the banks in the city of Charleston.

I want to call the attention of the House to another feature of this provision, and that is that not one dollar has ever yet been appropriated by the State of South Carolina for this exposition except an appropriation for a State exhibit. Not one dollar has ever been given to this exposition, as appears from this hearing, except to pay for that exhibit.

Mr. FINLEY. Will the gentleman from South Dakota yield to me?

Mr. BURKE of South Dakota. I can not yield now.

The SPEAKER. The time of the gentleman from South Dakota has expired.

Mr. CANNON. I will yield the gentleman two minutes more.

Mr. BURKE of South Dakota. Then I will answer the question of the gentleman from South Carolina.

Mr. FINLEY. The gentleman states the State of South Carolina has not made an appropriation except for a State exhibit. Does not the gentleman know that the appropriation covered both building and exhibit?

Mr. BURKE of South Dakota. It was simply a State exhibit, just as the Government has done. The Government appropriated \$90,000 to pay for their exhibit.

Mr. FINLEY. The gentleman is mistaken in making that statement.

Mr. BURKE of South Dakota. I will show it by the president of the association in the statement that he made in the hearings before the committee.

Mr. FINLEY. The gentleman is entirely mistaken.

Mr. BURKE of South Dakota. The gentleman can not find it in the testimony before the committee. There is not a syllable of testimony except that there is an overdraft of \$20,000 due the banks, and that the president of the association himself is liable for some contingent amount, we do not know how much, and this provision in the bill asks us to vote to give them \$160,000 to pay out to whosoever they see fit if they have claims against this exposition.

Mr. CANNON. I now yield five minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, this bill proposes to make the same appropriation that is provided for in the amendment to the general deficiency bill that was introduced in the House, and referred to the Committee on Industrial Arts and Expositions, as was said by the gentleman from South Dakota.

That committee gave to those interested in the appropriation a hearing, and upon that hearing Mr. Wagner, the president of the exposition, appears, and his testimony shows conclusively that the amount now sought by this amendment to the pending appropriation bill was to make good either the amount that has been paid by the individual members of that association or to pay amounts for which the individual members of the association are liable.

I said this morning, when we were considering the amendment in respect to the Buffalo Exposition, that if any individual member of the exposition company was liable for that deficit due to contractors I would not vote for it, and if there was any liability on the part of the State I would not vote for it; but here were the facts that the contractors who had paid their money for material and labor which went to make the exposition a success, and because of the catastrophe that occurred there in September the receipts were not sufficient to enable the company to pay that indebtedness due those contractors.

I can state to the House that from the testimony of Mr. Wagner it appears that the Charleston Exposition was not closed on any day from the beginning of the exposition to the end, including Sundays; that the deficit is due entirely to either a failure on the part of the company to properly advertise their exposition or because for some other reason the people of the United States did not attend it. Mr. Wagner expressly states to us that there were no extraordinary circumstances that interfered with the attendance at their exposition.

Now, Mr. Speaker, it seems to me that this is simply a business proposition. There is no circumstance connected with the exposition at Charleston that can in any case be construed as creating an obligation on the part of the Government of the United States to make up this deficit. In that respect the exposition at Charleston is distinguishable from the Buffalo Exposition.

There is another distinguishing feature; and it grows out of

the relation of the Government of the United States to the Buffalo Exposition and the relation of the Government to the Charleston Exposition. In the one case the Government authorized the exposition, and by authority of Congress the President of the United States invited foreign nations to participate in that exposition, to make their exhibits. In the other case the Congress absolutely refused to have anything to do with the Charleston Exposition by refusing to appropriate money to enable the Government of the United States to make exhibits at that exposition. The two cases are entirely different.

I want to say further that this Congress has already made a gift of \$90,000 to the Charleston Exposition. Before the exposition was opened the managers came to Washington and interviewed the President. They secured from him permission—

The SPEAKER. The time of the gentleman has expired.

Mr. TAWNEY. I would like time simply to complete my statement.

Mr. CANNON. I yield the gentleman one minute more.

Mr. TAWNEY. They secured from the President permission to take the Government exhibits of the Pan-American Exposition to Charleston upon the express promise that they themselves were to defray the expense of transportation and maintenance. But when Congress convened it was apparent that there would be a deficit, and then they came to Congress and asked us to make good a portion of that deficit by appropriating money enough to defray the expense of transporting the Government exhibits to Charleston and the expense of their maintenance.

We appropriated \$90,000 for that purpose, almost all of which has been paid, according to the report of the Secretary of the Treasury to our committee. Therefore I think the two cases are entirely different. South Carolina has already received a donation from the Federal Government.

[Here the hammer fell.]

Mr. CANNON. I yield now to the gentleman from South Carolina [Mr. FINLEY]. How much time does he wish?

Mr. FINLEY. Just a few minutes. I do not propose to detain the House.

Mr. CANNON. I yield five minutes to the gentleman.

Mr. FINLEY. Mr. Speaker, it was not my intention to farther debate this proposition this evening; nor would I have done so but for the fact that statements have been made here on the floor which are incorrect. It has been stated that South Carolina did not appropriate anything except for an exhibit. The fact is that the State of South Carolina made an appropriation of \$50,000 for a building and an exhibit.

It may be said that \$50,000 is not very much, but I wish to say to the members of this House that in the State of South Carolina, where there is less than \$200,000,000 worth of property on the tax books and where the taxes collected for State purposes are about \$1,000,000, \$50,000 is, in round numbers, about 5 per cent of all the money paid into the State treasury in the way of taxation annually.

So I submit that the State did make an appropriation. More than that, the city of Charleston made one of like amount, and the counties of South Carolina had their exhibits.

The gentleman from South Dakota argues that there is nothing to show where this money will go. If members will turn to page 21 of the report of the committee they will find this statement:

Amount of claims made by contractors and for materials and workmanship.....	\$103,579.51
Amount cash loans due.....	\$115,000
Amount cash loans about.....	32,000
	147,000.00
	250,579.51

Now, I say to the gentleman from South Dakota and to members of the House that every dollar here appropriated will go—

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. Mr. Speaker, I yield one minute more.

Mr. FINLEY. Mr. Speaker, I will say to the members of this House that every dollar that is asked for will go to the contractors, to the material men, and to the laborers, or those who have paid the bills and stand in their shoes. Not one dollar will go into the pockets of any member of this corporation.

The bonds that were issued were a mortgage upon the gate receipts. Two-thirds of that has been paid, and that is all that will be paid. Not one cent that is asked here will go to the bondholders—to the men who furnished the money and took the bond of the exposition company.

The SPEAKER. The time of the gentleman has expired. The question is on the motion of the gentleman from South Carolina, that the House recede from its disagreement to the amendment of the Senate and concur in the same.

The question was taken and the motion agreed to.

On motion of Mr. FINLEY, a motion to reconsider the last vote was laid on the table.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I desire to submit a conference report on the naval appropriation bill, and I ask unanimous consent to dispense with the reading of the report and that the statement of the House conferees may be read.

Mr. GAINES of Tennessee. Mr. Speaker, we have been doing that several times to-day, and a good deal of confusion and misunderstanding has occurred. I would like to ask the gentleman what is in the report and how long it is?

Mr. FOSS. Oh, it is a very short report.

The SPEAKER. The gentleman from Illinois asks unanimous consent to dispense with the reading of the report and that the statement only be read. If there is no objection this course will be pursued. [After a pause.] The Chair hears none.

The Clerk read the statement, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, submit the following written statement, to wit:

The committee of conference have been unable to agree on the following amendment:

On No. 91, as to "Increase of the Navy" and the method of construction of new ships authorized.

GEORGE EDMUND FOSS,
R. W. TAYLER,
ADOLPH MEYER.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 91 to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, having met, after full and free conference have been unable to agree.

GEORGE EDMUND FOSS,
R. W. TAYLER,
ADOLPH MEYER,
Managers on the part of the House.
EUGENE HALE,
GEO. C. PERKINS,
Managers on the part of the Senate.

Mr. FOSS. Mr. Speaker, I now move the adoption of the report.

The SPEAKER. The Chair thinks that that is not a motion to be permitted. The report is simply a statement that the conferees have been unable to agree. There is nothing to be voted on there.

Mr. FOSS. I supposed it was proper to adopt or accept.

The SPEAKER. What is the motion of the gentleman?

Mr. FOSS. I move that the House recede from its disagreement to amendment No. 91 and concur in the same with an amendment striking out said amendment, and inserting in lieu thereof the following; which I will send to the Clerk's desk to be read.

The SPEAKER. The gentleman from Illinois moves to recede from this amendment with an amendment, which the Clerk will read.

The Clerk read as follows:

That the House recede from its disagreement to amendment No. 91, and agree to the same with an amendment striking out said amendment and inserting in lieu thereof the following:

"That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract two first-class battle ships, carrying the heaviest armor and most powerful ordnance for vessels of their class, upon a trial displacement of not more than 13,000 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$4,212,000 each; two first-class armored cruisers of not more than 14,500 tons trial displacement, carrying the heaviest armor and most powerful armament for vessels of their class, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$4,650,000 each; two gunboats of about 1,000 tons trial displacement, to cost when built, exclusive of armament, not exceeding \$382,000 each; and the contract for the construction of each of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery, and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy; and not more than two of the six battle ships, armored cruisers, and gunboats provided for in this act shall be built by one contracting party.

"One battle ship or one armored cruiser herein provided for shall be built on or near the coast of the Pacific Ocean or the waters connecting therewith; but if it shall appear to the satisfaction of the President from the bidding for such contracts that said vessel can not be constructed on or near the coast of the Pacific Ocean at a cost not exceeding 4 per cent above the lowest accepted bid for the corresponding vessel provided for in this act, he shall authorize the construction of said vessel elsewhere in the United States, subject to the limitations as to cost hereinbefore provided. If the Secretary of the Navy shall be unable to contract at reasonable prices for the construction of any of the vessels herein authorized, then he may build such vessel or vessels in such navy-yards as he may designate: *Provided*, That the Secretary of the Navy shall build one of the vessels authorized by this act in such navy-yard as he may designate: *Provided further*, That the Secre-

tary of the Navy shall build all the vessels herein authorized in such navy-yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

"The Secretary of the Navy is hereby instructed to keep an accurate account of the cost of inspection and construction of vessels provided for in this act, whether built in Government yards or by contract, and report thereon to Congress, at each session, the progress of work and cost thereof including the inspection of all the material going into the construction of said vessels, and, upon the completion thereof, to report a full and detailed statement showing the relative cost of inspection and construction in Government yards and by contract."

Mr. FOSS. Mr. Speaker, I desire to add to that the following, which I will ask to have read.

The Clerk read as follows:

And for the purpose of preparing and equipping such navy-yard or navy-yards as may be so designated for the construction of said ship or ships, the sum of \$175,000, or so much thereof as may be necessary, is hereby appropriated for each of the navy-yards in which the Secretary of the Navy may direct any such ship or ships to be built.

Mr. RIXEY. Mr. Speaker, I would like to ask the gentleman a question in regard to the amendment.

The SPEAKER. Does the gentleman yield?

Mr. FOSS. Yes.

Mr. RIXEY. Is the amendment which was read from the RECORD by the Clerk before this last amendment which you now propose the same amendment as was proposed yesterday?

Mr. FOSS. The amendment which was read from the RECORD is identically the same. I have added to it, however, the provision which I just now sent to the Clerk's desk, providing for an appropriation of \$175,000 for equipping any or each yard in case the Secretary of the Navy finds that such yard is not properly equipped.

Mr. HANBURY. Mr. Speaker, I should like to ask, as a member of the House, what the gentleman has in mind, or what navy-yard he seems to have in his mind, which is not thoroughly equipped to-day, and needs \$175,000 to equip it?

Mr. WATSON. Why, every one of them.

Mr. FOSS. I would say to the gentleman that the Chief Constructor of the Navy, Admiral Bowles, appeared before the committee and said that there were very few of our navy-yards which were well enough equipped for the building of ships without an appropriation of this kind. I presume that to-day our best equipped yard is New York, but some of the other yards are not equipped for the building of ships at the present time.

Now, Mr. Speaker, I would ask my colleague upon the committee [Mr. TAYLER of Ohio] if he desires time for the discussion of this question?

Mr. TAYLER of Ohio. Mr. Speaker, I do not know exactly how much time will be needed on our side of the question. I suppose the gentleman in charge of this amendment has an hour, and if he will yield half of that time to me, we will get through as soon as we can.

Mr. FOSS. I will gladly yield one-half of my time to my colleague.

The SPEAKER pro tempore [Mr. DALZELL]. The gentleman from Ohio has thirty minutes.

Mr. TAYLER of Ohio. Mr. Speaker, this controversy between the two Houses has reached an acute stage, and the question is whether the House, after having twice debated this proposition, while no debate has occurred at the other end of the Capitol, will now recede from the position which it has deliberately taken and refuse to stand where it stood before.

And I desire, Mr. Speaker, at the outset, to advert to a statement made in the hearing of gentlemen some time ago, and in principle repeated by the chairman of the Committee on Appropriations [Mr. CANNON] a few minutes ago, not in relation to this matter, but as indicating the ground that some gentlemen are taking as to the duty of the House at this juncture, namely, that as the House is proposing new legislation, it is the duty of the House in case of conflict to recede.

I dispute the accuracy of that statement of fact as to this bill. This bill, like all other naval appropriation bills, provides for the construction of battle ships, armored cruisers, and gunboats. That is the essential part of this portion of the bill, and whether they be built in Government yards or whether they be built by private contract is a mere incident, necessarily superimposed upon the main proposition of building ships. And to say that we are injecting new propositions into old measures and old methods by reason of the fact that we merely say that a part of these ships shall be built in Government yards is drawing a finer sight upon the situation than I am capable of following.

Now, Mr. Speaker, it is unfortunate, in my opinion, that this controversy has arisen in the way in which it has, and that so much has been said about outside pressure from labor organizations, etc., impelling men to vote against their convictions, and,

in a sense, to exhibit themselves as demagogues here by their voice and by their vote.

I am glad to say that, so far as I am concerned, politically and personally, and in all the relations which I expect to sustain toward others, no man can be less influenced by any such considerations than I, and I am glad to be able to stand here now in the presence of this House and assert my deliberate conviction that the time has come when this nation ought to proceed to make, in so far as it can, those things for the purchase of which it is practically the only market. [Applause.]

I want to say this to gentlemen on this floor, and to apply it to myself in an equal way, that we made a grave mistake some years ago when we did not adopt the policy of making our own armor plate. [Applause.] I myself opposed that, and I think if it was presented as an independent proposition I would oppose it to-day, because I do not think we are going to buy enough armor plate at a time to make it pay for us to run our own armor factory; but that is not here now, and I do say this, that if we had built our own armor factories six years ago, as on the floor of this House it was contended we ought to do, we would to-day have more than paid for that armor factory in the increased price that we have had to pay for our armor since that date. The injection or introduction of a single threatened bidder for armor two years ago resulted in a saving to this Government of nearly \$2,000,000 in the current contracts for armor which we are now receiving.

We might just as well meet this question now as at any other time. This country demands that at least the experiment be tried as to whether and how we can build Government vessels in Government yards. There is a good deal of archaic talk about the time when we built the *Raleigh*, the *Cincinnati*, the *Maine*, and the *Texas* in Government yards; but to compare our capacity and our capabilities, both as to factories, implements, men, mechanics, and engineers, with the industrial conditions that prevail in our Government works to-day is as though one would undertake to compare the construction of John Stephenson's first locomotive with a 120-ton locomotive of to-day.

We might as well try the experiment now. Speaking for myself, I will be perfectly satisfied, as I was perfectly satisfied when this bill was under consideration, if we provide for the building of only one of these great battle ships in a navy-yard. If we do build it, we will find out what our capacity is, and it is quite as important to know what we can do, whether we know we can not do it well or that we can do it just as well; that we should know that as that we should pay more or less for the thing that we undertake to manufacture.

Then, again, our yards ought to be equipped, one or more of them, for doing this great work. No one on this continent is having great battle ships and great armored cruisers built except our own country. We are the great customer for them so far as American yards are concerned, and we ought to know further whether we can build them in our own yards, so that in time of stress, if need be, or in time of monopoly, if it should come, we will know, and then we will know that we are equipped to do this great work.

Then, again, if we build one or more of these great ships, if it is known that one of them is to be put in competition as to price and character and quality with the ships built in private yards, we will at once feel the effect of that operation upon those who outside are bidding for the construction of these Government ships.

I doubt not, Mr. Speaker, that however much more the building of a great ship in the Government yard may cost us than if built by private contract, we will save all of that excessive cost in the reduction of price on the same character of ships built by contracts in private yards.

Now, I do not know, Mr. Speaker, whether at the other end of the Capitol there will be found to be an agreement if we insist upon our way; whether we may not have to yield at some time or other, it is now so late in the session; but this amendment, which is practically the amendment which was voted down last Saturday, in my judgment ought to be voted down again to-night, and at the other end of the Capitol it ought to be known that the House, having time and again discussed this matter and put itself on record, is ready and willing to stand by its guns. [Loud applause.] I reserve the balance of my time.

Mr. HOPKINS. Before the gentleman takes his seat, I would like to ask him a question. If the House follows out the advice that he has given and votes the motion down, what is the difference between the two Houses and what is the status of the bill in the difference between the two Houses?

Mr. TAYLER of Ohio. Mr. Speaker, there is now no difference between the two Houses, save in this proposition. The conferees have met respecting this matter, and have reported their inability to agree. Now, if this amendment is voted down, a motion will be made that the House insist upon its disagreement to the Senate amendment, and ask for a further conference,

and the bill will then go to the Senate with this question before the conferees.

Mr. DAYTON. May I ask the gentleman a question?

Mr. TAYLER of Ohio. Certainly.

Mr. DAYTON. If the House takes the course you have offered, will you state to the House your judgment as to the likelihood of getting any other agreement?

Mr. TAYLER of Ohio. Well, I would not be here urging the House to take the action that I have urged upon it if I did not have some belief upon the subject. [Loud applause.] If the gentleman from Virginia desires some time, I will yield to him.

Mr. RIXEY. It is possible that some one in favor of the motion may desire to be heard next. I would like to be recognized after a while. The gentleman from Illinois will, perhaps, consume some of his time.

Mr. FOSS. I want to say to the gentleman that I do not care to speak now. I desire to close the matter. [Cries of "Vote!"] I claim the right to close debate. [Renewed cries of "Vote!"] I suggest that the gentlemen proceed with their side of the discussion.

Mr. FITZGERALD. Mr. Speaker, I rise to a question of order. I make the point of order that the gentleman from Illinois, representing the minority of the conference committee, and a position in opposition to the express desire of the House, is not entitled to control the time, particularly to have the advantage of closing debate.

The SPEAKER pro tempore (Mr. DALZELL). If the gentleman from New York had made that point of order when the gentleman from Illinois was recognized he would have sustained it. It is too late after the gentleman has controlled the time, and he is entitled to say when he will speak.

Mr. RIXEY. I would like to ask the gentleman from Illinois as to whether he is to be the only speaker in favor of the motion?

Mr. FOSS. That is a matter within my discretion.

Mr. RIXEY. I concede that the gentleman is entitled to close under the rule, but it seems to me that we ought to know whether there is to be more than one speaker.

Mr. GROSVENOR. Mr. Speaker, I do not think there is any fairness in compelling one side to exhaust all of its time and then give the gentleman from Illinois a full half hour to close debate. There is no doubt that he has the right to close, but surely he ought to yield such time as somebody else is to have. This is the first time I ever knew anybody to make such a proposition. The House can defeat that now by voting on the proposition.

Mr. FOSS. How much time does the gentleman from Ohio [Mr. TAYLER] consume?

The SPEAKER pro tempore. The gentleman from Ohio has nineteen minutes remaining of the time yielded to him.

Mr. FOSS. I will yield ten minutes to the gentleman from West Virginia [Mr. DAYTON].

Mr. DAYTON. Mr. Speaker, I do not know that I want to take up the time yielded to me. I sincerely hope that in what I do have to say I may be listened to. There can not be any question here to-night in the few hours before adjournment about this argument on building ships in the navy-yards. We stand here as the House of Representatives advocating this proposition against the Navy Department itself, against the Senate of the United States—that is so far a unit that no man in that body has had interest enough to object to a unanimous confirmation of the position taken in the Senate by itself and by its conferees on this question.

There can be no question about another matter, that this legislation originated in the House; that it is new legislation, and that under the rule that this House has continually fought for, it is the duty of the body that proposes the change of existing law without the consent of the other to recede.

I want to say to the House, in absolute candor and sincerity, that for four days as a conferee on this bill we sought in every way to carry out the will and wishes of this House and secure an agreement such as the House desired upon this proposition. I want to say to you that it has been stated to us that the Senate has been called on this proposition, and that not more than five or six in any way, shape, or form were favorably inclined to the proposition of the House as presented here in its original new legislation ingrafted on this bill touching this proposition.

Now, under this situation, a proposition is suggested that will provide for the building of one ship in the navy-yard; providing further, that if there is a combination of the shipbuilders and the Secretary of the Navy is convinced of that, all of those ships shall be built in the navy-yards; and it further provides that if the price shall not be reasonable they shall be built in the navy-yards. This proposition, I submit, is a fair proposition for us and will test the question whether or not ships can be built in the navy-yard as cheaply as they can be built in private yards.

I have read the testimony, and I was present when the representatives of the labor organizations appeared before the

Committee on Naval Affairs, and I want to say to you that in these hearings the representative of the labor organization himself, in answer to a question, said that he did not believe it would be wise for us to undertake the construction of the largest ships in the navy-yard. I want to say further to you that in conversation with these representatives they have placed themselves squarely on the proposition that if we could not build ships as cheaply in the navy-yards they would not ask it or demand it. Now, I want to have a fair test.

Mr. RIXEY. Will the gentleman yield?

Mr. DAYTON. The gentleman can get time of his own; I decline to yield now. I want to say further, let us be reasonable on this proposition. They say under this proposition the Secretary of the Navy may build a gunboat in the navy-yard. I want to say to you that is not, in my judgment, what he will do, because I believe our former colleague will be fair in making this test, as we all desire it to be fair if it is to be made.

There is not a single member of this House but that wants a fair test. I will tell you why it is not wise to specify what ships shall be built, for two reasons: One was suggested by one of the labor witnesses himself. If we specify it to be a battle ship that shall be built in the navy-yard there will be a combination among the private shipbuilders, a secret understanding that one of their number will bid that battle ship down so low that the navy-yard that shall build the other sister ship will not be able to compete with it, and they can make up the loss to the one that bids.

Furthermore, there is a reason why it should not be specified. The Secretary of the Navy may ask for bids on all six of the ships; and all six of them under the provisions of this amendment may be subject to be built in the navy-yards. One of them will be bound to be built in a navy-yard. Then, when those biddings come in, the Secretary of the Navy will have a club over the head of the private shipyard builders. Why?

Because those who bid upon those ships will do it with the understanding that if their bids are not down to the lowest figure—if the bid is not the lowest opened—the highest opened can be placed in a navy-yard, so that it will break down the price or the cost of all these ships; it will prevent a combination between the shipbuilders, and will enable the Department to build the designated ship at lower than its actual cost; so that the test in the years to come will not be a fair and complete test.

Now, gentlemen, I submit to you in all candor and in all sincerity that every effort has been made to adjust this difficulty and this deadlock. Certainly we have voted upon this proposition again and again; we have tried to concentrate the conferees upon this matter. Why not let the matter stand, and trust the Secretary of the Navy to be fair.

According to the statements of the laboring men themselves who appeared before the committee, a fair test upon one ship was all they asked or demanded. Their only fear was that the test, under the provisions of this amendment, would not be a fair test. But it can not be anything but a fair test. Let us have the test; let us not go headlong into the construction of ships in our navy-yards when the contractor who formerly favored this proposition has, upon fairly going over the whole matter, told us that it will cost us 25 per cent more, and that each one of these yards will have to have an expenditure of \$175,000 to begin with.

Let us give a fair test. Let it be a test that will be satisfactory to the Department and satisfactory to the laboring man.

Mr. TAYLER of Ohio. I yield ten minutes to my colleague [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, the argument of the gentleman from West Virginia [Mr. DAYTON] is that when the Senate of the United States plants itself upon a proposition it is the duty of the House to yield to that body, to waive its own judgment, and to retire from the controversy. That is the argument, and that has been the course of management of this committee from the beginning to the end. [Applause.]

Mr. Speaker, there has come to this House an appeal from a great element in this country with which I have heretofore had no sympathy so far as to believe in the argument which they have put forward. But they insist, and have done so in a manner and through organizations and through appeals that I am not willing longer to resist, that there shall be a fair experiment made here as to the relative cost of building one or more of these ships in the navy-yards of the country as compared with the private yards.

Now, the attitude of these gentlemen on this floor is this: They come forward and tell us that we have no navy-yards that are now fitted for this business, and yet they propose here by an amendment to this amendment to expend \$175,000 for the purpose of equipping those navy-yards to do just exactly what we ask Congress to compel the Secretary of the Navy to do, at least so far as one ship is concerned.

Now, Mr. Speaker, the language of this amendment is a cheat

and a fraud. [Applause.] I use very plain language on this subject, and I challenge the gentleman from Illinois who stands up here annually and undertakes to bulldoze this House of Representatives [applause]—I challenge the gentleman to read the language of the amendment and say that there is any provision in it for a test. He knows that the language here does not result in the thing he claims. [Applause.] Let me read the language.

Mr. FOSS. Read the language.

Mr. GROSVENOR (reading):

If the Secretary of the Navy shall be unable to contract at reasonable prices for the construction of any of the vessels herein authorized, then he may build such vessel or vessels in such navy-yard as he may designate.

Now, then—

Mr. FOSS. Read on.

Mr. GROSVENOR. Oh, I will "read on" as much as I please. That is just the style of the gentleman—to get up and demand that another gentleman shall "read on." [Laughter and applause.] I want the gentleman to understand that I am making this speech and that I am not under his dictation. [Applause.] The gentleman says "Read it now."

I will read it when I get ready. That is the way this business has been run up to this time. Who is to decide whether these prices are reasonable or not? Is it to be ascertained by some competition with outside people, or are we to ascertain, once and for all, by an experiment that this country has the genius to make what is a reasonable price for the construction of a battle ship? That is what we want to get at, not the estimates that are put upon it by the Secretary of the Navy. Now, let us see what follows:

Provided, That the Secretary of the Navy shall build one of the vessels authorized by this act in such navy-yard as he may designate.

What vessel? What vessel? There is the trick of it. We have asked for a vessel, a vessel of standard type, a vessel that will settle the question once and forever as to the relative cost of these great ships—the armored cruiser or the battle ship. And why does not the gentleman put it into his language, if he wanted to treat the House fairly, that it should be one battle ship, or one ship even. If he had been willing to even put the word "ship" into it, I would have tried to be content.

Mr. FOSS. Mr. Speaker, I will say to the gentleman if he will offer that amendment, I will accept it—one "ship."

Mr. GROSVENOR. Oh, yes; now he will offer that amendment, when it has been exposed. [Laughter.]

Mr. FOSS. Yes; shall build one "ship."

Mr. GROSVENOR. Shall build one of the "vessels." What kind of a vessel? There are a great many vessels. There are vessels of clay and vessels of honor and vessels of dishonor. Now, the whole purpose that we have had in this matter is to meet a great public demand and have one fair test. Why can we not have it?

The gentleman is either for such a test as I am describing or he is against it. If he is for it, why not put in the full provision for a complete test of the question of the cost of a battle ship or an armored cruiser, and make it so that there will be no question of discretion left to anybody in all this country whether it shall be executed or not. I believe that the people of this country are represented by the House of Representatives. [Applause.]

I do not believe the people of this country are exclusively represented by the Senate, or by a little coterie of the Senate, and it is to me a shocking proposition that a gentleman comes in here and tells the House of Representatives that they must go down, for the Senate will not. [Applause and laughter.] That is the argument of the gentleman from West Virginia. You must quit and give up your judgment, because if you do not do it, the Senate will not do anything for you.

Well, I am in favor of testing the Senate once more, and if this committee of conference is not willing to carry out the expressed and determined and oft-repeated will of the House of Representatives there is a parliamentary procedure that suggests itself to the Speaker of the House how that complication may be gotten rid of. [Applause.] We have a right to have the House of Representatives represented, and have it represented by those who will go into the conference insisting upon the rights of the House, and not come back here and tell us that somebody in the Senate has given notice that they never will consent to yield.

Mr. DAYTON. Mr. Speaker, will the gentleman from Ohio permit just one suggestion about that?

Mr. GROSVENOR. Certainly; make two suggestions.

Mr. DAYTON. Possibly the gentleman overlooks the fact that he is criticizing the last conferees, the majority of whom entertain the views exactly that he expresses, and that I have dropped out of the conference in order that this second conference might be composed of gentlemen just like himself, who thinks this amendment objectionable.

Mr. GROSVENOR. Well, you see we have made some headway. [Laughter.]

Mr. DAYTON. I do not know what headway you have made, when your own friends have come in and reported that they can not agree.

Mr. GROSVENOR. I have known that to be done twenty-five times on a single bill in this House, and afterwards they did agree. [Laughter.] Have we reached that point in our relation to the higher branch of Congress—if it is a higher one—that all they have got to do is to stand still and say, "We will not budge another inch?"

Mr. DAYTON. I will ask the gentleman how many times he has stood on the floor of this House and insisted that the Senate must recede when it was the author of the new legislation, and whether or not he thinks there is anything in the action of the Senate improper, when this legislation originates with the House and we refuse to obey the rule that we have always insisted on their obeying?

Mr. GROSVENOR. I am not criticising the Senate; I am not talking about the Senate. I am talking about what the gentleman has said about the Senate. That is all. In days gone by I may have insisted that we should concur because the Senate was stubborn, and in days gone by I may have insisted that we would not concur. I am discussing this question now, and I believe that the whole country, not only the labor organizations, but the communities at large, the general intelligence of the country, is anxious to see and understand beyond a reasonable doubt what is the relative cost of the construction.

I believe it will be higher in the navy-yards. I have no doubt about it; but I believe it will save money, as my colleague [Mr. TAYLER of Ohio] has said. I believe if we should force the construction of one great battle ship in a navy-yard and put up the balance of them for the bidding of the outside yards the cost would go down so rapidly that we would save a large amount of money and get the exact test that we want to have made. [Applause.]

[Here the hammer fell.]

Mr. FOSS. Mr. Speaker, I yield ten minutes to my colleague from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, first, in the ten minutes allotted to me, I want to ask my colleague [Mr. FOSS] whether, in his opinion, an agreement can be obtained from the Senate to accept the House provision touching the construction of ships as therein provided in Government navy-yards.

Mr. FOSS. Do you mean the original House proposition?

Mr. CANNON. Yes.

Mr. FOSS. I do not think under any possible circumstances that the Senate will ever consent to it.

Mr. VANDIVER. Does the gentleman mean to imply that the Senate will let the whole naval bill fail?

Mr. CANNON. Oh, well, I have got this time. Now, I want to ask the gentleman from Ohio [Mr. TAYLER] a question for information. I listened to the remarks of the gentleman. Does my friend believe that another conference will secure an agreement from the Senate for the construction of a battle ship or a cruiser in a Government yard?

Mr. TAYLER of Ohio. Well, I was asked that question and answered it.

Mr. CANNON. I want to be sure.

Mr. TAYLER of Ohio. I have not changed my mind since I last answered the question.

Mr. CANNON. I want to understand the gentleman, because I want his reply for a basis for what I have to say. The gentleman can answer the question.

Mr. TAYLER of Ohio. I do not suppose that the Senate would take offense at any expression of opinion that I might now give as to what it would do.

Mr. CANNON. Oh, I am entitled to ask that question of the gentleman as a member of this House.

Mr. TAYLER of Ohio. I am going to answer it. I think that the Senate will agree to a proposition to build one armored cruiser or one battle ship in a navy-yard. [Applause.] I believe they will agree to that because it is right, and the Senate have not discussed the question whether it is right or not.

Mr. CANNON. Now, Mr. Speaker, it is agreed all around, practically, that some time to-morrow there will be an agreement between the House and the Senate to quit for this session. Yet I am frank to say that, in my judgment, if such is the sense of the House, there is time for another conference with the Senate, and an opportunity to agree touching the matters in difference upon this amendment. An agreement is what we want. We may not agree as to what that agreement ought to be, and I am not here now to discuss, more than by a mere reference, the merits of the proposition.

I do not know that I have discussed it at any time. I have my opinion about it, but I am here to say that in my judgment this

is a legislative provision. It is legislation from the beginning to the end, to build ships, and where and how they shall be built, and under what conditions. It is legislation proposed by the House, and if the House and Senate can not agree the bill to support the Navy can not pass.

Mr. GROSVENOR. Will the gentleman permit—

Mr. CANNON. I will not yield just this second. I will in a moment, but I want to finish this point.

Mr. GROSVENOR. The gentleman from Illinois has asked questions over here, and I should like to ask him a question.

Mr. CANNON. A little later on I will yield to my genial friend, never more genial than he is now. [Laughter.] Let me state my proposition, and then I will yield to my friend in good faith.

Now, Mr. Speaker, this is legislation on a general supply bill, which bill must pass or the Navy must tie up.

Mr. SULZER. We do not have to adjourn.

Mr. CANNON. Which bill must pass or the Navy must tie up on and after the 1st of July, or some other provision be made to pay the men, to buy the fuel, to make the repairs, and so on.

Now, I think the bill is going to pass. It could pass by the whole amendment to build all the ships anywhere being stricken out. If that amendment was disposed of, then the bill could pass for the support of the Navy otherwise for the coming year. Now, the House proposing the legislation, if the Senate does not agree to it the responsibility is upon the House in defeating the bill, because it is the place of the House to recede, as it was the place of the Senate to recede touching Charleston if the House had not agreed with the Senate.

So much for the parliamentary situation. Now, one word. Upon the merits, we have always defended the navy-yards for two purposes, one to make repairs, the other to be prepared, in the event that private shipyards would not build for a reasonable amount, to build ourselves, keeping the check upon them.

I recollect, however, Mr. Speaker, what has been the proposition. Under the lead of Samuel J. Randall, when we commenced to construct the new Navy, we were especially anxious to build the ships by contract so that we could stimulate shipbuilding by the citizens.

We have got the yards at Newport News, two or three at Philadelphia, one on the Delaware, on the Lakes, for everything except battle ships, and all around great private yards under this policy in which there are 20 men employed that earn their living in the sweat of their faces where there would be 1 man employed if we would build all these ships in the navy-yards.

Still, whatever views I may entertain, I have respect for the views of the brethren in the House. We go by majorities. I am quite content, if such be the will of the House, that this should go back to conference, and that the gentleman from Ohio can see if he can get a provision to build one battle ship or one cruiser assented to by the Senate.

Mr. GROSVENOR. That is a point on which I would like to ask the gentleman a question.

Mr. CANNON. With great pleasure.

Mr. GROSVENOR. Does the gentleman believe that if the House of Representatives would respectfully insist that they desire, in obedience to popular demand, to have one battle ship built under these conditions, the Senate would defeat the passage of the naval appropriation bill in order to have their way about that one little matter?

Mr. CANNON. Well, now, then, does the gentleman believe that if the Senate would not, that the House proposes to say to the Senate that they would starve the Navy for twelve months because it could not have its way.

Mr. GROSVENOR. A resolution could be passed in this House in ten minutes that will save the Navy from starvation.

Mr. CANNON. I have answered the gentleman's question, and—

Mr. GROSVENOR. The resolution is already drawn and ready to be offered.

Mr. CANNON. I have yielded to the gentleman courteously.

Mr. GROSVENOR. But did not answer my question.

Mr. CANNON. Oh, nobody—not even Deity himself, if He would answer the question—could answer satisfactorily to the gentleman from Ohio. [Laughter.] Now, I am not going to undertake to satisfy him. I have tried for years. It can not be done. He was not made to be satisfied. [Laughter and applause.]

Now, at the hour of almost 11 o'clock—hoping that the House will soon adjourn until 11 o'clock to-morrow—I am quite content that this bill should go back, on the belief of the gentleman from Ohio. I do not see that it can do any hurt to let it go back and see if it can be accommodated; and an agreement is desirable. An agreement will be had, in my judgment.

Now, then, one further word. I like the gentleman from Ohio, Several MEMBERS. Which one?

Mr. CANNON. Both of them. [Laughter.] I like my colleague from Illinois. I have had contests with the gentleman from Ohio. I have had contests with my colleague from Illinois. And, first and last, I have had more or less contests with most members here. [Laughter.] We have always kept our temper.

Once in a great while, about the closing of the session, however, when there is a try to tread the ground, then the senior gentleman from Ohio tears a passion to tatters, you know, and issues a "defi" against the world. [Laughter.] Why, if we were to go back in old ancient Grecian times, he would defy Jupiter himself [laughter and applause], and throw him out of Olympus, where the army failed to throw him out, away back there according to the old heathen myth.

I want to say, in just one minute more, to my colleague, "Do not turn pale." [Laughter.] Do not shrink in height a single half inch from your magnificent 6 feet. [Renewed laughter.] The sun will rise on the morrow, and the senior member from Ohio will greet you on the morrow, as he will greet me, and say, "How do you do, Foss? We had a nice time last night." [Laughter.] I respect my friend's interest.

Now, Mr. Speaker, I have said about all I want to. I am quite willing to see my friend's amendment adopted if the majority think so. I am quite willing, perhaps a little more desirous of seeing my friend the junior member from Ohio have another chance, to see if we could have one battle ship built in the navy-yards.

I propose, however, that we will not forget one thing—that this bill, when enacted, carries seventy millions and authorizes forty millions more. I propose that we will not forget another thing, that when these bills are aggregated they will carry seven hundred and fifty millions, including appropriations for Panama or Nicaragua Canal, and that it will amount in authorizations and appropriations to over a thousand millions.

Now, then, I want the Navy. I want a good Navy. I want the American wage-earner to receive good wages, exceptionally good wages, which all the balance of the eighty millions contribute by taxation to pay; but I do not want to further strengthen any one of the dozen navy-yards by making it one to complete and build the ships of the world or of the Navy or of our ships like unto the ships of the world except as it may be necessary. So much for the merits. Having said that much, I thank gentlemen for their attention.

Mr. TAYLER of Ohio. Mr. Speaker, how much time is there remaining?

The SPEAKER pro tempore. The gentleman from Ohio has nine minutes remaining, and the gentleman from Illinois five minutes.

Mr. TAYLER of Ohio. I yield three minutes to the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN].

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I deny the proposition as announced by the gentlemen from Illinois [Mr. CANNON] who has just taken his seat. He says in this situation it is the duty of the House to yield, if either body shall yield. To-day there is no legislation provided for the construction of these battle ships. This bill authorizes the building of two armored cruisers, two battle ships, and two gunboats. There is no law which provides for their construction.

The very act that authorizes their construction at all must provide for the manner and for the place of their construction. This House did provide that one-half of them should be constructed in the navy-yard. It goes to the Senate, and the Senate strikes out that provision and provides that they shall be constructed by contract. Who first starts the legislation? The Senate urges the legislation as much as the House rejects it.

It is the duty of the Senate to recede from their amendment, in my judgment, and not the duty of the House to recede. We are not starting new legislation except in the fact that we authorize the construction of the ships. The Senate consents to the construction of the ships, but strikes out our method of constructing them and inserts theirs. It seems to me common sense to say that that body that brought about the disagreement ought to yield, and this House ought to stand on its rights.

This Government has \$80,000,000 invested in navy-yards, and it spends vast sums of money in these yards. The repair work of the Government yards amounts to five millions a year, and we have this enormous expense, this enormous investment, to turn out \$5,000,000 worth of repair work.

These gentlemen, Mr. Speaker, who are fresh from the people, elected by the people, knowing the wants of the people, have twice voted deliberately, after debate, in favor of the construction of the battle ships one-half in the Government shipyards. Shall we now surrender to the Senate under this situation? Shall we surrender to these private shipyards that have been encouraged to the extent of \$127,000,000 until they have become giants? In the last month they have organized a concern of six large shipbuilding plants in the country and annexed or brought under control an armor-plate factory.

You tell us that they need further encouragement on the part of the Government. It can not be. Let the Government yards build some of these ships. As we argued years ago, it ought to have built an armor-plate factory, and if we had it would have saved the Government many million dollars and would have helped to keep down the appropriations which the gentleman from Illinois is struggling with. We want to adopt the method that will save money to the Government in the long run. [Applause.]

Mr. TAYLER of Ohio. I now yield five minutes to the gentleman from Massachusetts [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, the gentleman from Illinois in his closing words gave what is to my mind one of the strongest arguments I have yet heard in favor of now starting in the policy of building some of these great battle ships in our navy-yards. He stated in his closing words that he might be willing to build a small ship, possibly a battle ship, for the purpose of getting the men in the navy-yards accustomed to that sort of work.

Why, Mr. Speaker, before our committee it was in evidence on the part of the Chief of the Bureau of Construction that one of the elements of added cost in building ships in the navy-yard came from the very fact that the navy-yards to-day did not have men who are skilled and experienced in the construction of iron ships. And he stated that the second and third of these big ships built in the yard where the men had had experience would cost less and less until they got down to a plane with the men in private yards, who had the peculiar knowledge and skill gained from building these great ships.

Now, Mr. Speaker, a great deal has been said here from one member of the committee about what the labor organizations wanted. My colleague on the committee stated that one of the representatives of organized labor stated that they did not want a great battle ship built in the navy-yard. I was present at this meeting, and I failed to hear any such statement.

The statement was made, however, by the head of one great labor organization that they did not want one small vessel built in a navy-yard, and he gave this reason: He said such a test would not be a fair one, because it was more than probable that, with a small ship, costing not over three or four hundred thousand dollars, the contractors outside would pool together and put in a bid so low that the ship built in the private yard would be constructed at less than actual cost, simply to discredit the Government yard in the construction of these ships.

Therefore he wanted, not a small gunboat, but a large warship constructed in one of the Government yards. He wanted a battle ship and a cruiser and a small gunboat to be so constructed. I believe, Mr. Speaker, that in that way, and that way only, can come a fair test of the relative merits of this proposition—whether the large vessels can be constructed as cheaply or less expensively in a Government yard than in a private yard—whether also the Government yards may not be able to build the small boats as cheaply or more cheaply than the private yards.

Mr. DAXTON rose.

Mr. ROBERTS. I have only a moment, and I decline to yield.

Now, the gentleman from Illinois tells us about how we have built up the private yards in this country. We have built them up. Since 1883 the Government has paid, or agreed to pay, to the private shipbuilders in this country \$127,000,000 for war vessels. We have in that time authorized 136 war vessels to be constructed in the private yards, and they have yet in their yards vessels to the amount of \$71,000,000.

[Here the hammer fell.]

Mr. TAYLER of Ohio. Mr. Speaker, in my concluding words I want to refer to an observation of the gentleman from Illinois [Mr. CANNON]. He said, cavalierly enough, that he did not know that he had any serious objection to the conferees (and he apparently referred to me in particular) going back and endeavoring to obtain an agreement with the Senate conferees on this subject, implying that it was the conferees that would do the work, that their persuasiveness would accomplish the result. Now, my relation to this matter must be, in the nature of things and in the situation in which we find ourselves, entirely impersonal.

The Committee on Naval Affairs of the House had lengthy and elaborate hearings on this subject. The House on two occasions has debated it, and again to-night is debating it. No question that has come before the House—and this being a question of a nonpolitical character is more likely to be carefully and candidly considered by members—no question has been more carefully considered than this.

And Mr. Speaker, it is the cogency of the votes of this House that will operate to bring about an agreement with the Senate. The Senate has not considered these questions—the House has time and again considered them; and because of the conclusive way in which the House has expressed itself and in which I believe it is now about to express itself the Senate will come to the conclusion at which we have arrived.

[Here the hammer fell. Cries of "Vote! Vote!"]

Mr. FOSS. Mr. Speaker, I do not care to take up the time of the House. My only purpose here this evening was simply to test in some way the sense of the House. I knew it had to be done by a motion of some character or another. We were getting to the very eve of adjournment, and I was anxious in some way to see to it that this great naval appropriation bill authorizing an expenditure of \$79,000,000 for the maintenance of the Navy and for the building of new ships should not fail.

I do not share the confidence and faith which my colleague from Ohio has. I have been in more conferences than he on this bill, and when the Senate conferees suggested that this bill was at the point where it might fail, and that we would have to bring in a resolution to extend the appropriations for the fiscal year, then I thought we had reached a serious stage in the contention between the two Houses.

I am very glad, however, that the motion which I have made has given an opportunity to feel the pulse of this House, and that is all I desired. I am glad also that it gave the distinguished gentleman from Ohio and my honored colleague from Illinois a chance to make a little byplay here—a very amusing byplay—for the entertainment and edification of us all.

But when the gentleman says that I have attempted in times past to "bulldoze this House," I leave it to every member here to say who is the biggest bulldozer.

Mr. GROSVENOR. I was only quoting a remark of the gentleman from Illinois [Mr. CANNON], made two years ago, just about this time.

Mr. FOSS. And when the gentleman from Ohio said that nowhere in this bill is it made mandatory upon the Secretary of the Navy to build a ship in a navy-yard, he did not read the bill aright, because it is made mandatory upon the Secretary of the Navy to build a ship in a navy-yard; but it is left in his discretion to say what shall be the character of that ship and in what yard it shall be built.

Mr. GROSVENOR. A toy ship.

Mr. FOSS. A toy ship? He has the discretion to build a battle ship or an armored cruiser or a gunboat, and the gentleman from Ohio knows it, and I hoped he would have the frankness to say so.

Mr. GROSVENOR. I said exactly that, but I said I wanted it to be compulsory upon him to build one of the larger type.

Mr. FOSS. Now, I say to the gentleman from Ohio that it would be infinitely more to the benefit of the Government to leave the character of that ship unnamed and within the discretion of the Secretary of the Navy.

Why, if you name a battle ship in that bill and say that the battle ship shall be built in the navy-yard, that is notice to the shipbuilders of the country that one battle ship must be built in a navy-yard, and they might combine and put in a bid very much lower on the other battle ships which the private contractors are to build, whereas if you leave it to the discretion of the Secretary of the Navy as to whether he will build a gunboat or a cruiser or a battle ship, then by reason of that uncertainty the Government will secure better prices for the construction of its ships, because the private shipbuilders will not know what kind of a ship the Secretary of the Navy will build in the navy-yard.

But, gentlemen, I do not care to press this motion any further. It has served its purpose, namely, to test the sentiment and pulse of this House, and if the gentleman has any faith or confidence that we will secure a battle ship or a cruiser and that it can be named in the bond and in the bill, and that is the sentiment of the House, I will go with him, as I have gone heretofore, because that was the provision which I had the honor to report in the naval appropriation bill.

Now, Mr. Speaker, I will withdraw the amendment and move that the House further insist upon its disagreement to the amendment of the Senate and agree to the conference asked for by the Senate.

The SPEAKER. The question is on the motion of the gentleman from Illinois, who withdraws his amendment, that the House further insist upon its disagreement to the amendment of the Senate and agree to the conference asked by the Senate.

The motion was agreed to.

The Chair announced the following conferees on the part of the House:

Messrs. FOSS, TAYLER of Ohio, and MEYER of Louisiana.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that when the House adjourn, and if this be agreed to I propose to move to adjourn immediately, it adjourn to meet at 10 o'clock to-morrow morning.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourn it adjourn to meet at 10 o'clock to-morrow morning. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 11 o'clock and 3 minutes) the House adjourned until 10 o'clock to-morrow morning.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a statement of the documents received and distributed by the Department during the year 1901—to the Committee on Printing, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 13075) to amend section 3 of the "Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing," etc., approved February 10, 1891, reported the same with amendments, accompanied by a report (No. 2736); which said bill and report were referred to the House Calendar.

Mr. JOY, from the Committee on Accounts, submitted statements of the Clerk, Doorkeeper, Sergeant-at-Arms, and Postmaster of the House, and the Superintendent of the Capitol Buildings and Grounds, relative to the employment, duties, and compensation of employees of the House, accompanied by a report (No. 2737); which said statements and report were referred to the Committee on Appropriations.

Mr. SOUTHARD, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 2004) to establish an assay office at Baker City, Oreg., reported the same without amendment, accompanied by a report (No. 2738); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MOODY of Oregon, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9202) to regulate the use of forest-reserve timber, reported the same with amendment, accompanied by a report (No. 2739); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HASKINS, from the Committee on Elections No. 3, reported resolution of the House (H. Res. 337) in the contested-election case of C. E. Wilson v. F. E. Lassiter, Fourth Congressional district of Virginia, accompanied by a report (No. 2744); which said resolution and report were referred to the House Calendar.

Mr. WOOTEN, from the Committee on the Library, to which was referred the bill of the House (H. R. 14690) providing for the erection of a monument at Cowpens battle ground, Cherokee County, S. C., commemorative of Gen. Daniel Morgan and those who participated in the battle of Cowpens on the 30th day of January, 1781, reported the same with amendment, accompanied by a report (No. 2745); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOY, from the Committee on Accounts, to which was referred the resolution of the House (H. Res. 332) to pay W. L. Walter \$336.76, as clerk of the Committee on Elections No. 3, reported the same without amendment, accompanied by a report (No. 2746); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5028) for the relief of Francis M. Oliver, reported the same without amendment, accompanied by a report (No. 2740); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10009) to correct the military record of William Fields, reported the same adversely, accompanied by a report (No. 2741); which said bill and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HEPBURN: A bill (H. R. 15331) to amend an act to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases, approved August 8, 1890—to the Committee on the Judiciary.

By Mr. MOON (by request): A bill (H. R. 15332) to amend sections 4924 and 4927 of the Revised Statutes, relating to patents—to the Committee on Patents.

Also (by request), a bill (H. R. 15333) to amend sections 4924, 4925, 4926, and 4927 of the Revised Statutes, relating to patents—to the Committee on Patents.

By Mr. WANGER: A bill (H. R. 15334) to provide rules and regulations governing the importation of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, and fruits into the United States, and rules and regulations for the inspection of trees, plants, shrubs, vines, grafts, cuttings, and buds, commonly known as nursery stock, grown within the United States, which become subjects of interstate commerce or exportation—to the Committee on Agriculture.

By Mr. FLYNN (by request): A bill (H. R. 15340) to expressly confer American citizenship upon the people of Porto Rico—to the Committee on Insular Affairs.

By Mr. GAINES of Tennessee: A bill (H. R. 15343) further regulating the class of matter denied admission to the mail—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: A concurrent resolution (H. C. Res. 59) providing for final adjournment—to the Committee on Ways and Means.

By Mr. DICK: A bill (H. R. 15348) to increase the efficiency of the militia, and for other purposes—to the Committee on Militia.

By Mr. HENRY C. SMITH: A resolution (H. Res. 332) to pay W. L. Walter for services as clerk to Committee on Elections No. 3—to the Committee on Accounts.

Also, a resolution (H. Res. 333) authorizing the Clerk of the House to pay session employees for the full month of July—to the Committee on Accounts.

By Mr. DALZELL: A resolution (H. Res. 334) suspending the rule requiring conference reports to be printed in RECORD one day before being considered—to the Committee on Rules.

By Mr. GROSVENOR: A resolution (H. Res. 335) relating to the motion to suspend the rules—to the Committee on Rules.

By Mr. NORTON: A resolution (H. Res. 336) to investigate charges of fraud in connection with outer bar at Brunswick, Ga.—to the Committee on Rules.

By Mr. HASKINS: A resolution (H. Res. 337) in relation to the contested-election case of C. E. Wilson v. F. R. Lassiter, Fourth Congressional district of Virginia—to the House Calendar.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. GRIFFITH: A bill (H. R. 15335) to correct the military record of William Allen—to the Committee on Military Affairs.

By Mr. GREENE of Pennsylvania: A bill (H. R. 15336) granting an increase of pension to George W. Rotz—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 15337) granting an increase of pension to Benjamin Shaffer—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15338) for the relief of the estate of Sidney Markham, deceased—to the Committee on War Claims.

By Mr. YOUNG: A bill (H. R. 15339) granting a pension to John Q. Lane—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 15341) granting an increase of pension to Daniel S. Whittenhall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15342) granting an increase of pension to Samuel G. Purcell—to the Committee on Invalid Pensions.

By Mr. BOWIE: A bill (H. R. 15344) for the relief of the heirs of Xavier Willman—to the Committee on War Claims.

By Mr. BARTLETT: A bill (H. R. 15346) granting a pension to Julia A. Fletcher—to the Committee on Pensions.

By Mr. JETT: A bill (H. R. 15347) granting an increase of pension to John L. Carr—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Robert Graham and 5 other

druggists of Brownsville, Pa., in favor of House bill 178, for the repeal of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BINGHAM: Petition of retail druggists of Philadelphia, Pa., urging the passage of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BURKETT: Petition of citizens of Olsburg, Kans., in favor of House bill 7475, for additional homesteads—to the Committee on the Public Lands.

By Mr. CANDLER: Papers to accompany House bill 15163 granting a pension to James P. Roberts—to the Committee on Pensions.

By Mr. CASSINGHAM: Papers to accompany House bill granting an increase of pension to Margaret Snyder—to the Committee on Invalid Pensions.

By Mr. CROMER: Petitions of Shelby Ray, T. M. Bly, and other retail druggists urging the enactment of the Joy bill, providing a reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CURRIER: Petition of F. E. Lovell and 2 others, of Newport, N. H., in favor of House bill 178, for the repeal of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of Andrew J. Sawyer and 34 other members of Post No. 10, Grand Army of the Republic, Newport, N. H., favoring a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. FOERDERER: Petition of 14 druggists of Philadelphia, Pa., favoring the passage of House bill 178, to reduce the tax on alcohol—to the Committee on Ways and Means.

Also, petition of the Federation of Catholic Societies of the Diocese of Pittsburg, Pa., favoring measures looking to a discontinuance of alleged abuses and injustice toward the Catholics in the Philippines—to the Committee on Insular Affairs.

By Mr. FOSS: Sundry petitions of German-American citizens of Chicago, Ill., in relation to the Boer war, etc.—to the Committee on Foreign Affairs.

Also, sundry petitions of prominent business men of Chicago, Ill., praying for the negotiation of a reciprocal trade agreement with the Dominion of Canada—to the Committee on Foreign Affairs.

By Mr. GREENE of Massachusetts: Resolutions of citizens of Chatham and Harwich, Mass., and vicinity, in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Pennsylvania: Papers to accompany House bill granting a pension to George W. Rotz—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: Petition of druggists of North Vernon, Franklin, and Vevay, Ind., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of William Allen, for correction of his military record—to the Committee on Military Affairs.

By Mr. GROSVENOR: Petition of citizens of Oregon, Vermont, New York, and Illinois, favoring the passage of bill to require mixed woolen goods to be marked and tagged so as to show the ingredients—to the Committee on Ways and Means.

By Mr. HEMENWAY: Petition of D. A. Davison and other druggists of Princeton, Ind., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. JACK: Petition of retail druggists of Kittanning, Pa., favoring House bill 178, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. JONES of Washington: Petition of the Tacoma Chamber of Commerce and Board of Trade, of Tacoma, Wash., favoring the passage of the Grosvenor bill, concerning the regulation of gasoline and other launches—to the Committee on the Merchant Marine and Fisheries.

By Mr. KEHOE: Petition of retail druggists of Carlisle and Bracken Counties, Ky., urging the passage of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. W. W. KITCHIN: Petitions of Hackney Brothers, R. T. Beck & Co., and Sykes Drug Company, favoring House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MERCER: Papers to accompany House bill 15261, granting an increase of pension to Louis Lowry—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: Petition of O. E. Dunn and other druggists of Spencer, Ind., favoring the enactment of House bill 178, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. MILLER: Papers to accompany House bill granting an

increase of pension to Samuel G. Purcell—to the Committee on Invalid Pensions.

Also, petition of citizens of Wamego, Kans., in favor of House bill 7475, for additional homesteads—to the Committee on the Public Lands.

By Mr. MUTCHLER: Petition of citizens of Pennsylvania, relating to conditions in the Philippines—to the Committee on Insular Affairs.

Also, petition of T. D. Thomas, of Leighton, Pa., favoring House bill 178—to the Committee on Ways and Means.

By Mr. OVERSTREET: Petition of George W. Sloan and other druggists in the State of Indiana, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PUGSLEY: Petition of citizens of the Sixteenth Congressional district of New York, in favor of House bill 12203—to the Committee on Invalid Pensions.

Also, resolution of Israelite Alliance of America, of New York City, approving the action taken by the House of Representatives as to the attitude of the Russian Government toward American citizens of Jewish birth attempting to enter its territory—to the Committee on Foreign Affairs.

By Mr. ROBINSON of Indiana: Petition of E. C. Carter, of Churubusco, Ind., and J. A. Schanep, of Collamer, Ind., in favor of the Joy bill, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. RYAN: Resolutions of East Buffalo Business Men's Association, of Buffalo, N. Y., favoring a bill to authorize the Mather Power Company to construct experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

Also, petition of F. M. Dunning, of Buffalo, N. Y., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SIBLEY: Petition of citizens of Warren, Tidouete, West Hickory, and Pittsfield, Pa., for reduction of tax on alcohol—to the Committee on Ways and Means.

By Mr. SNODGRASS: Petition of retail druggists of Wilson County, Tenn., in relation to House bill 178—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Petition of retail druggists of Wake Forest, N. C., asking for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SULLOWAY: Petitions of retail druggists of Dover, New Market, and Wolfboro, N. H., urging a reduction in the tax on alcohol—to the Committee on Ways and Means.

By Mr. WARNOCK: Petition of F. O. Penny, H. S. Ritchie, and others, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill granting a pension to Alexander T. Sullinger—to the Committee on Pensions.

By Mr. WOOTEN: Petition of and papers from the joint committee of the Antitrust League, Knights of Labor, in relation to the Eastern Railroad Association—to the Committee on the Judiciary.

SENATE.

TUESDAY, July 1, 1902.

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 6148) providing for the resurvey of certain townships in San Diego County, Cal.; and

A bill (S. 6196) to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3690) for the relief of Jacob L. Hauger.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. MUDD, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

The message also announced that the House still further insisted upon its disagreement to the amendment of the Senate numbered 91 to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. TAYLER of Ohio, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

The message further announced that the House had passed, with an amendment, the bill (S. 6139) to provide for the organization of private corporations in the district of Alaska; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 14839) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year; and

A bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes.

The message further announced that the House had returned to the Senate, in compliance with its request, the bill (S. 6117) for the relief of George Lea Febiger.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3896) to amend section 3362 of the Revised Statutes, relating to tobacco;

A bill (H. R. 3690) for the relief of Jacob L. Hauger;

A bill (H. R. 7105) granting an increase of pension to Silas Stotts;

A bill (H. R. 11573) for the relief of settlers on lands granted in aid of the construction of wagon roads;

A bill (H. R. 12805) requiring the Anacostia and Potomac River Railroad Company to extend its Eleventh street line, and for other purposes;

A bill (H. R. 12977) granting an increase of pension to William L. Church;

A bill (H. R. 13617) granting an increase of pension to Anne M. Luman;

A bill (H. R. 14087) granting a pension to Lizzie Dunlap; and

A bill (H. R. 15108) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15108) "making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 26, 82, and 90.

That the House recede from its disagreement to the amendments of the Senate numbered 87, 88, 93, and 116, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 34, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following:

For extra compensation to Dallas Jones, Edward Minor, Edward Poin-dexter, and Joshua W. Barkley for the period from July first, 1901, to December first, 1901, in connection with the reconstruction of the roof, central portion of the Capitol, to be determined by the Superintendent of the Capitol Building and Grounds, one thousand dollars; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert fifteen thousand dollars; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following:

Surveys of Indian reservations: The Secretary of the Interior is hereby authorized and directed to cause careful estimates to be made and submitted to Congress at the beginning of its next session for survey of the Walker